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The Political Participation of the Roma in Slovenia

The article deals with the system of political participation of the Roma in Slovenia, focusing on the municipal level. It contains an analysis of the development of the legal regulation of political representation of the Roma and the system of electing Roma municipal councillors. There is discussion of problems connected with the establishment of the institute of Roma municipal councillors, resulting mainly from unclear and inadequate legislation. The article further discusses the role and importance of the Roma Community Council as the umbrella Roma organisation in Slovenia. The introduction of the institute of Roma municipal councillors is seen as an important step forward in the political inclusion of the Roma, while the current form and way of working of the Roma Community Council are not believed to offer the right foundations for the development of legitimate and effective Roma representation at the national level.

Keywords: Roma, Slovenia, political participation, political representation, Roma municipal councillors, Roma Community Council.

Politična participacija Romov v Sloveniji

Prispevek obravnava sistem politične participacije Romov v Sloveniji. Osredotoča se na politično participacijo na občinski ravni. Analizira razvoj pravne ureditve romskega političnega predstavništva in sistem izvolitve romskih občinskih svetnikov. Izpostavlja zaplete ob uveljavljanju instituta romskih občinskih svetnikov, ki izhajajo predvsem iz nejasne in pomanjkljive zakonodaje. Obravnava tudi vlogo in pomen Sveta romske skupnosti kot krovne organizacije Romov v Sloveniji. Uvedbo instituta romskih svetnikov ocenjuje kot pomemben korak naprej na področju političnega vključevanja Romov, nasprotno pa opozarja, da trenutna oblika in način delovanja Sveta romske skupnosti ne nudita prave osnove za razvoj legitimnega in učinkovitega romskega predstavništva na nacionalni ravni.

Ključne besede: Romi, Slovenija, politična participacija, politično predstavništvo, romski občinski svetniki, Svet romske skupnosti.

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1. Introduction

Democratic systems are based on the inclusion and political participation of individuals who are part of the system. In direct and indirect representative democracy, where there is participation through elections, the political system would in an ideal situation precisely reflect the composition of the society it represents and the matters the individual communities within this society are faced with would be suitably reflected in political debate (ENAR/ERIO 2007, 1). Since an ideal situation does not exist, the interests and needs of minorities and less privileged communities often remain overlooked, unheard and unfulfilled. In order to ensure the more equal inclusion and participation of minorities within the system of political decision-making, certain adjustments to the system are usually required, directed at the removal of the factors hindering the inclusion and participation of minorities.¹

The Roma are one of the ethnic minorities which, not only in Slovenia but also elsewhere in Europe, has always had to face numerous social, political and economic challenges² that prevented their full integration into the wider society and active participation in politics (Denton 2003, 3, Žagar, 2002). As a result of this, the Roma's political participation is usually at a low level, both with regard to the number of Roma who participate in political processes and to the quality and effects of their participation (ENAR/ERIO 2007, 1–2). The many efforts by various organisations for the improvement of the conditions the Roma face with regard to housing, health care, education, human and citizen rights, and employment have in recent decades brought a measure of progress, although far from enough. According to some international organisations (Open Society Foundations 2013, OSCE 2000, 8–9), one of the main reasons for the failure of these efforts to produce more tangible results lies in the very fact that the Roma themselves only rarely participate in the leadership or functioning of these organisations. This is why the key challenge in the future will be how to include the Roma in decision-making processes, in particular with regard to the matters that concern their community. In this way, the greater legitimacy of the adopted decisions would be ensured and probably also wider support among the target group for the implementation of the measures. Without equal participation of the Roma in political and public life, long-term solutions for the key problems plaguing the Roma community can probably not be expected (Open Society Foundations 2013).

The main aim of this article is to present the system of political participation of the Roma in Slovenia, to give a short outline of its development, examine the effectiveness of the existing system and draw attention to the key problems and challenges that appear in practice. In doing so, most attention will be given to political participation at the local level, which is with regard to the possibilities and activities of the Roma in Slovenia at the moment the most developed and most important. Prior to this, for comparison and the establishment of a

wider context, there is a short presentation of the situation and some of the general challenges connected with political participation encountered by Roma communities elsewhere in Europe.

2. The Problems and Challenges of Political Participation of the Roma in Europe

Different European countries have different forms or models of political participation of the Roma, extending from local to national levels.³ The Roma only rarely manage to acquire representative positions through a model of general (national) representation with participation in political parties. Frequently, political parties have no interest in defending the Roma's interests and they rarely include Roma on their candidate lists (OSCE/ODIHR 2013, 51); even when they do so, the Roma are usually placed at the bottom of the list, where they have little chance of being elected (ENAR/ERIO 2007, 3). For more effective inclusion and participation of the Roma in political and decision-making processes it would be necessary to introduce measures aimed at the removal of the factors that hinder their equal participation. These include: racial prejudice and stereotypes about the Roma among political actors and voters from the majority society (Vermeersch 2000); institutional discrimination within the political system; direct and indirect pressures on the Roma as voters, the buying of votes, voter fraud; lack of education or even illiteracy of the Roma and the related problems in obtaining relevant information; being uninformed about possible forms of participation or lack of comprehension of the rules, procedures and significance of specific forms of social and political participation; the lack of qualifications of Roma candidates for specific functions and lack of political experience among the Roma; the lack of appropriate personal documentation, and various legal and administrative obstacles (OSCE/ODIHR 2016, 5–6, ENAR/ERIO 2007, 2–3, Komac 2007a, 125). In some countries, Roma who wish to participate in the political processes form their own parties, but the result of elections and public opinion surveys (e.g. in Bulgaria and Slovakia)⁴ indicate that Roma voters, in spite of the general mistrust in political parties and their readiness to represent Roma interests, often show a preference for mainstream rather than Roma parties. One of the reasons is the conflict and rivalry between the different groups within the Roma communities themselves, which prevent the Roma from voting as a unified body (Open Society Foundations 2013).

More frequently, Roma representation is connected with the system of the special representation of minorities, where the Roma (be it alone or with other minorities) have a guaranteed seat in the representational bodies.⁵ This kind of regulation at first glance signifies a positive step towards ensuring the better inclusion of the Roma in decision-making processes, but in and of itself, as shown by practice, it does not necessarily guarantee actual opportunities for

the improvement of the Roma's position. Often it is only a symbolic gesture, creating an impression of the Roma's inclusion, while the elected representatives of the Roma community have practically no influence on the actual policy creation. At the same time, this special treatment on the basis of group minority rights preserves the Roma's separation from mainstream politics (Sobotka 2004). In order for the guaranteed representation of the Roma to be effective, it would have to be supported by other mechanisms, such as sufficient financing, education and training of Roma candidates and representatives, granting the Roma representatives a seat on the committees and other bodies that deal with minority matters, the possibility of a veto in matters concerning the Roma community, and so on (Sobotka 2004, Komac 2007a, 125–127).

This article will pay attention to the extent to which the problems identified by researchers in other European countries are reflected in the political participation and activities of the Roma in Slovenia. In the analysis of the existing situation in Slovenia, the article uses as the starting point the supposition that there are two preconditions for equal and effective political participation of the Roma: firstly, that the Roma community is well organised and active; and secondly, that it has the support and help of the majority society, i.e. the state. This research aims to establish whether the Slovene legal regulation is contributing to the establishment of a Roma political elite which can equally and effectively represent the interests of the Roma community(ies) in Slovenia, or whether the established system is merely a façade that creates the impression of the inclusion of the Roma in political decision-making, but does not guarantee actual political power, influence and equal participation. Another interesting question is whether the Roma community in Slovenia is sufficiently self-organised and active, and whether it has adequate resources (human, financial) for effective participation in the system of political representation established by the Slovene state.

3. Development of the Formal Establishment of Political Representation of the Roma at the Local Level

The legal and formal foundation for the political representation of the Roma community at the local level is the reference to the Roma in Slovenia's Constitution. Conditionally, it is possible to talk about specific historical forms of political representation even before the 1990s. A number of traditional forms of political representation and participation were known in the Roma community, such as elders or chiefs (Štrukelj 2004, 74, Trdina 1957, 5–12). In principle, this involved a form of leadership of the extended family which, among the many other functions, included mediation between the community and the authorities. This role was usually played by men (Štrukelj 2004, 70, 73–74, Pirc 2013, 42). The institution of Roma chief was preserved longer among the

Roma in the south-east of Slovenia, until the second half of the 20th century. The decline and practical disappearance of this role is the result of the modernisation of Roma life and of the wider socio-political and economic changes during the time of the socialist Yugoslavia.⁶

Until the late 1980s, in the then Socialist Republic of Slovenia, no systematic initiatives could be found for the regulation of special Roma political representation, either from the Roma or the central authorities, which was mostly the result of the fact that, in contrast to the Italian and Hungarian minorities and their political representation, the Roma community was not recognised at the constitutional level until 1989. Šiftar (1990, 83) states that “a rather heated debate” led to the formulation of a constitutional amendment (LXVII) in which, among other things, it said that the realisation of the Roma’s special rights shall be regulated by a specific law. Šiftar adds that the drafting of that law “drowned in the newly occurring and long lasting changes in Slovenia and Yugoslavia” (1990, 83). During the period of Slovenia gaining independence, a desire for a more specific regulation of the Roma’s status as an ethnic minority was expressed by Roma activists fighting for the rights of the Roma community, among them Rajko Šajnovič (1991) and Vlado Rozman (1991), while the necessary support for this was given by a number of the representatives of the then authorities.⁷ As a result, Article 65 of the Constitution of the Republic of Slovenia states that “The status and special rights of the Romany [sic] community living in Slovenia shall be regulated by law.” But as earlier in Yugoslavia, in the new state the drafting of the new law on the Roma community dragged on – altogether for sixteen years. Meanwhile, provisions about the regulation of the status of the Roma community and its members have been included in many sector-specific laws.

With regard to the regulation of the Roma’s political participation, of key importance is the Local Self-Government Act (ZLS) of 1993, which in Paragraph 5 of Article 39 states: “In territories [municipalities], populated by the autochthonous Roma community, the Roma shall have at least one representative in the municipal council.” As in the above mentioned constitutional article, this law also involves a short provision with unclear criteria according to which the autochthonous nature of the Roma is to be ascertained with regard to the individual municipalities where they live. During the first years after the adoption of the Local Self-Government Act, because of this incompleteness and the contentious and exclusivist nature of the concept of autochthonism,⁸ in 1994 only the Murska Sobota municipality realised the right of electing a Roma municipal councillor, in spite of the fact that the municipality’s statute had not yet been amended for this. Five years later, the municipalities of Murska Sobota and Rogašovci amended their statutes in such a way that they enabled the election of a Roma councillor. On the other hand, in 1998 in the municipality of Novo mesto, Rajko Šajnovič was denied the possibility of standing as a representative of the Roma community in the municipal council as the municipal statute did not allow for this possibility and the Local Self-Government Act was unclear.

On the basis of Šajnovič's initiative for assessing the constitutionality of the statute of the Novo mesto municipality, in 2001 the Constitutional Court concluded that both the Local Self-Government Act and the statute are inconsistent with the Constitution (Komac 2007b, 10–11, Constitutional Court Decision 2001). This led in 2002 to the adoption of the Act Amending the Local Self-Government Act (ZLS-L), which amended the Local Self-Government Act with Article 101a, which specifies the municipalities where the right to elect one⁹ Roma municipal councillor has to be implemented:

The municipalities of Beltinci, Cankova, Črenšovci, Črnomelj, Dobrovnik, Grosuplje, Kočevje, Krško, Kuzma, Lendava, Metlika, Murska Sobota, Novo mesto, Puconci, Rogošovci, Semič, Šentjernej, Tišina, Trebnje and Turnišče must, by the time of the local elections in 2002, guarantee Roma community in the municipality the right to one representative on the municipal council (Article 101a, Act Amending the Local Self-Government Act – ZLS-L).

Considering it is clear that all the Roma in Slovenia, whether autochthonous or non-autochthonous, do not live only in these twenty municipalities, the question of what criteria were used in the selection of these municipalities remains open (Pirc 2016, 248). Thus – only five years later – there followed new amendments which, however, were again incomplete since in Slovenia's legal documents the criterion of autochthonism is not defined.¹⁰ Here, we are talking about the 2007 Act Amending the Local Self-Government Act (ZLS-N), where Paragraph 6 was added to Article 39 of the Local Self-Government Act:

The Government shall in a decree determine the criteria on the basis of which the autochthonous nature of the settled Roma community shall be defined, which is a condition for the determination of a Roma representative in the municipal council in line with the previous paragraph (Paragraph 6, Article 39, Act Amending the Local Self-Government Act – ZLS-N).

This incompleteness was the reason for a change of Paragraph 6 of Article 39 two years later, which now says (Act Amending the Local Self-Government Act, ZLS-P): "Municipalities / ... / [the list of the above-mentioned group of twenty municipalities] are bound to guarantee the right of the Roma community settled in the municipality to one representative on the municipal council".

Although Paragraph 6 now no longer mentions autochthonism, Paragraph 5 in Article 39 of the Local Self Government Act, which refers to this concept, remains unchanged.

In 2011, the Government Commission for the Protection of the Roma Community adopted a decision that the Government Office for National Minorities should on its behalf put forward an initiative to the then Government

Office for Local Self-Government and Regional Policy that the list of the municipalities¹¹ in which one member of the municipal council is a representative of the local Roma community be extended. The Government Office for Local Self-Government and Regional Policy, as the body responsible for amendments to legislation, could influence changes to the list of municipalities in Article 39 of the Local Self-Government Law, but any realisation of the initiative was halted due to procedural problems and the lack of interest on the part of the relevant bodies or Roma organisations (Office for National Minorities, 2011, Personal correspondence with the director of Office for National minorities (Stanko Baluh), 20 February 2017).

The procedure for the election of a member (members) of a municipal council from among the Roma community is determined by the Local Elections Act (ZLV). This law states that members of the Roma community on the electoral register also have the right to vote for and be elected to the municipal council as a representative of the Roma community (Article 7). The right to vote as a member of this community is registered in the special electoral register (Article 8). The criterion for including a member of the Roma community on the special electoral register is determined by the Roma Community Council,¹² particularly on the basis of:

- maintenance of a long-lasting, solid and permanent tie with the community, or
- care for the preservation of everything that constitutes the joint identity of an individual community, including the culture or language, or
- family relations up to once removed in a vertical line with a citizen who is a member of the Roma community and who already has a recognised right to vote (Article 12 of the Voting Rights Register Act – ZEV-2).

Elections for a member of a municipal council representing the Roma community are held following the majority principle (Article 10 of the Local Elections Act), while the candidates are nominated by the signatures of a minimum of 15 voters (members of the Roma community in the municipality) or by a Roma organisation in the municipality (Article 49 of the Local Elections Act).

The members of the Roma community have a double voting right in the municipal elections. This double voting right of members of national minorities in Slovenia is unique in the world. It means that minority members appear in politics as a double political subject: first, as ordinary citizens and second as citizens with special ethnic attributes. They can thus actively participate in the creation of the mechanisms for the preservation of their own ethnic identity. The double right to vote of members of ethnic minorities has not been without its critics. There was an initiative for the assessment of its constitutionality, but the Constitutional Court decided that the provision about the right to vote is not in contradiction with the Constitution (Constitutional Court Decision 1998).

An additional form of participation of the Roma in the regulation of municipal matters concerning the Roma community is the special working body for the monitoring of the position of the Roma community. In line with the Roma Community Act (Article 7), the working body must be established by all the municipalities where in line with the Local Self-Government Act a representative of the Roma community is elected to the municipal council. The working body must consist of at least six members, of which up to a half must be residents of the municipality who are not members of the municipal council, and of the latter, the majority must be members of the Roma community. A Roma councillor is by function a member of this working body, the tasks of which relate particularly to issues concerning the members of the Roma community in the municipality, their development, and preservation of the Roma language and culture (Article 8 of the Roma Community Act).

This guarantee of the membership of a Roma councillor (and a number of other members of the Roma community who are residents of the municipality in question) in a special municipal working body for monitoring the position of the Roma community represents one of the supportive measures mentioned by Sobotka (2004) as conditions for increasing the effectiveness of or for guaranteeing the de facto significance of the guaranteed mandate of the Roma in representative bodies.

4. Challenges and Complications regarding the Implementation of the Institution of the Roma Municipal Councillor

During the first years following the Local Self-Government Act only two Prekmurje municipalities, where even before there had been a kind of a dialogue between the Roma community and the municipal authorities, amended their municipal acts in such a way that they facilitate the election of Roma councillors. In many other municipalities with a Roma population complications arose in the local elections in connection with the implementation of this instrument. There was the above-mentioned case in 1998, when the candidature of a Roma representative from the municipality of Novo mesto was rejected because of the unsuitable municipal statute, which influenced the amendment of the relevant legislation – the Local Self-Government Act. Because the deadline and the municipalities with a Roma population were not determined, in the local elections in the 1990s the Roma were unable to realise their right to elect a political representative (Obreza 2003, 51).

In connection with the November 2002 elections, in spite of the list of the twenty municipalities already being known, which should have facilitated the election of Roma councillors, in several cases new complications and obstacles occurred. These appeared before, during and after the elections. They mostly

originated in the complaint voiced by some municipalities that they had been arbitrarily – i.e. unjustifiably and without the prescribed criteria – included on the list of those municipalities with a Roma population. Even before the elections, in October 2002, there was a demand for an assessment of constitutionality submitted to the Constitutional Court by councils in the municipalities of Grosuplje, Kuzma and Turnišče. In response, the Constitutional Court decided that Article 14 of the Act Amending the Local Self-Government Act, i.e. the article that contained the list of the relevant municipalities, was not inconsistent with the Constitution (Constitutional Court Decision 2002a).

Furthermore, immediately after the elections, following a government demand, the Constitutional Court also concluded that the municipal statutes of six of the twenty municipalities on the list were still inconsistent with the Local Government Act, as they did not guarantee the Roma communities living in them the right to a representative on the municipal council. The six municipalities were: Beltinci, Grosuplje, Krško, Semič, Šentjernej and Trebnje. The Constitutional Court decided that these municipalities should correct this inconsistency within 45 days of the first session of the newly-elected municipal councils and within 30 days after the publication of the amended statutes call the elections of the representatives of the Roma communities in line with the provisions applying to early elections (Constitutional Court Decision 2002b).

In the local elections on 10 November 2002, Roma councillors were elected for the first time in the remaining 14 municipalities and in Trebnje municipality, in spite of the fact that the latter still had not made the necessary amendments in its statute (Hahonina 2002).¹³ In the first half of 2003, the statutes were amended and elections held in the remaining group of municipalities without elected Roma councillors,¹⁴ except in Grosuplje. In spite of this, the procedures were implemented within the given deadlines only in the municipalities of Beltinci and Krško (Krajnc 2006, 237, STA 2003). The municipality of Grosuplje neither amended its statute nor carried out an election of a Roma municipal councillor even in the next local elections in 2006 (Hahonina 2006).

The Grosuplje rejection of the instrument of Roma councillor was the reason for certain changes to the Local Self-Government Act brought by amendments in 2009. Article 39 was extended with paragraphs seven, eight, nine and ten, the most significant focus of which is that if one of the listed twenty municipalities “does not ensure the Roma community its right to a representative in the municipal council by each call for regular local elections, the elections will be carried out by the State Election Commission on the basis of the law regulating local elections”, while the implementation of the elections would be financed by the national budget at the expense of the municipality in question. In addition, Article 6 of the amending act stated that the municipality of Grosuplje must organise the election of the Roma representative to its council within three months and the call for elections should be issued within 30 days of the amending law (ZLS-P) coming into force. But yet again this did not happen; instead, in

late 2009 the municipality of Grosuplje again turned to the Constitutional Court, claiming that the legislator had included it arbitrarily on the list of the municipalities, which had to guarantee a Roma councillor in line with Article 39 of the Local Self-Government Act. The Constitutional Court rejected this claim, but the municipality of Grosuplje has to this day not amended its statute (Constitutional Court Decision 2010b, Statute of Municipality of Grosuplje). As a result, the election of the Roma councillor in this municipality has each time been carried out by the State Election Commission.

In addition to the above mentioned influences on changes to the legislation and various complications of a legal-formal nature, the elections of Roma councillors also bring with them various consequences and practical challenges faced by the candidates and elected representatives of Roma communities.

Table 1: Elections of Roma Municipal Councillors between 2002 and 2014

	2002	2006	2010	2014
Number of municipalities with one candidate	7	9	9	12
Number of municipalities with two candidates	4	9	10	6
Number of municipalities with three candidates	2	2	1	2
Number of municipalities with five candidates	1	/	/	/
Number of candidates proposed by a society		1	2	3
Number of female candidates		4	4	6
Number of male candidates		28	26	22
Number of women elected	1	2	2	5
Number of men elected	13	18	18	15
Number of those elected for the second time	/	7	11	6
Number of those elected for the third time	/	/	5	1
Number of those elected for the fourth time	/	/	/	4
The highest number of votes for the elected candidate	/	255	264	240
The lowest number of votes for the elected candidate		12	16	6
Total number of submitted votes	/	1,780	1,900	1,615

Sources: Hahonina 2002, State Election Commission 2017.

An interpretation of the result of the local elections in the Roma community, the electoral behaviour of the Roma and a critical assessment of the functioning of the Roma councillors is very difficult due to the very different socio-economic situation in individual municipalities and the previous history of the relations of the local Roma communities to the majority population and the authorities. There is very little scope for generalisation and a requirement to consider a very wide range of factors in each local environment separately.

The results of the last four¹⁵ elections of Roma councillors to municipal councils show that they include many more men than women, who rarely decide

to stand. In 2006, there were only four women candidates for Roma councillors, the same number in 2010, and six in 2014. In the 2002 elections, one woman was elected as a Roma councillor, but the data about the number of female candidates standing is unavailable. In the 2006 and 2010 elections, the success rate of the female candidates was 50 per cent (at each election, two out of four were elected), while in the last elections in 2014, five candidates out of six were elected.

One of the problems that appear in connection with the elections of Roma councillors to municipal councils is that the voters have no possibility of choosing from among different candidates as there is often only one. In the 2006 elections, in nine out of the 20 municipalities there was only one candidate, in 2010 the same and in 2014 there were as many as 12 municipalities with only one candidate. There are very few municipalities with three candidates (1 or 2 per election) – all are in Prekmurje, while more than three candidates appeared only once, in 2002, when in one of the Bela Krajina municipalities five candidates stood. It is difficult to talk about uniform reasons influencing the number of candidates, as it would be an over-simplification to divide municipalities with Roma councillors into the more developed Prekmurje municipalities and the less developed ones in the south-east of Slovenia. If an attempt is made to generalise, among the reasons for a low number of candidatures could be the limited education and qualifications of the members of the Roma community as potential candidates or their inexperience in political and administrative functions (Krajnc 2006, 240–241, MMC RTV SLO & STA 2014),¹⁶ while on the other hand, indirectly also the lack of interest in this post and the demographic smallness of the Roma community in some of the municipalities (Zupančič 2007, 244–246, CSW Estimations 2011). Moreover, this kind of analysis of the electoral behaviour in the municipalities with Roma councillors must also take into account that there is a lack of data about all the eligible Roma voters in individual municipalities; in addition, there are only estimates about the size of the Roma population in some of the municipalities.

As mentioned above, on the basis of Article 49 of the Local Self-Government Act, candidates for Roma councillor can be proposed by a group with at least 15 voters' signatures, or a Roma society in the municipality, when the same rules apply as for candidacy by political parties. In this way, Roma cultural societies are granted certain competences otherwise possessed by political parties. With this mechanism the legislator took into account the social reality and adapted to the Roma community, which at the time of the adoption of the law (and still today) is not politically organised into parties, and provided it with a specific group form of organised support for individual candidates. In cases where the number of eligible voters in a specific municipality is small (in the elections of Roma councillors this number can sometimes be lower than 30), the possibility of candidates being proposed by a society thus facilitates a wider

range of candidates. In spite of this, Roma societies have so far not often become engaged in the process of electing Roma councillors. In the 2006 elections, only one candidate was put forward by a Roma society, in the 2010 elections two candidates and in the 2014 elections three. In candidatures with the support of a society it may arise that a specific candidate is proposed by a very small number of people, since in line with Article 8 of the Societies Act (ZDru-1) a society may be founded by three natural persons with a capacity for business or three legal persons. This situation could be problematic in cases when the candidate proposed by a society with very few members (it could even be a family) is the only candidate in the elections that are attended by a very low number of voters.

Re-election among Roma councillors is quite common – in 2006, seven were re-elected, in 2010 eleven (of these five for the third time), and in 2014 six (of these, one for the third time and five for the fourth time). This opens up the question of what the reasons are for some Roma councillors holding the position of the Roma representative in their municipality for so long. The president of the Forum of Roma councillors said: “When you stand for the second time and then again, you no longer present yourself, but your work, on the basis of which the people entrust you with a new mandate” (Petrovčič 2010). Undoubtedly the quality of the work of the Roma councillors is one of the reasons for re-election, but the question is if this is the case in all the examples or whether there are other factors in the background. On the basis of the information that we acquired in informal conversations with the inhabitants of different Roma settlements around Slovenia,¹⁷ as well as literature and articles (e.g. Krajnc 2006, 240, MMC RTV SLO & STA 2014) a conclusion can be drawn that (multiple) re-election of some Roma councillors can be the result of: conflicts between individual groups/families within the Roma community and the resulting voting passivity or a boycott by a specific part of the community; intimidation of voters and other (potential) candidates; shortage of educated and suitably qualified candidates. Those who have held the position of Roma councillor for some time acquire certain skills and knowledge, forge social networks and acquire social power, all of which gives them an advantage over the other candidates, who may be uneducated and/or unskilled in acting on the political scene. This kind of advantage and power may be expressed in the existing Roma councillor being unopposed at the next election. In the 2006 elections, only one of the seven re-elected Roma councillors had no opponent, in the 2010 seven of eleven re-elected councillors had no opponent and in the 2014 elections none of the six re-elected councillors had an opponent.

In practice, the issue of the legitimacy of the elected Roma councillors often arises, since due to the low turnout of Roma voters, some councillors are elected with a very small number of votes. The smallest number with which one of the Roma female councillors was elected in 2014 was six. One of the main factors influencing this situation is that the Roma in Slovenia are notably dispersed

within municipalities. The large majority live in rather isolated small settlements where they are often related and focused only on their micro-local issues. Only in one municipality in Prekmurje do the Roma live in a single settlement, elsewhere the number of settlements or villages in a municipality can be as many as five. With regard to the Roma in the south-east of Slovenia, who are in general badly integrated into the majority society and are deprived in practically all the key areas of life, it is also easy to understand that these settlements and their potential candidates compete against each other (or there is at least a considerable amount of animosity) in the fight for the potential resources brought by the promise of their representative being elected as the Roma councillor. Zupančič (2014, 196) says that in these instances “the manoeuvring of the Roma councillor is extremely difficult even among the representatives of individual settlements and they are sometimes exposed to different pressures or attacks”. Sometimes, as indicated by a statement from the Črnomelj mayoress, individual Roma councillors may be unaware (or may not care) that they represent or should represent all the Roma within the municipality and not only their home settlement (MMC RTV SLO & STA 2014). It is understandable that the Roma councillors who represent only the particular interests of an individual (i.e., their own) Roma settlement do not have the wider support of the Roma population in the municipality.

In addition to the already mentioned factors, the effectiveness of the Roma councillors’ work is also considerably influenced by the attitude of the other members of the municipal council. As noted by the president of the Roma Councillors Forum, Darko Rudaš,

irrespective of the fact that in general the institution of Roma councillor is well established, /.../ at the municipal council meeting, the discussion is often still on the borderline of democracy and xenophobia. A great deal depends on how the municipal council sees Roma issues and how much it is capable of establishing cooperation with the Roma councillor in looking for solutions for the benefit of all (Petrovčič 2010).

The education and qualifications of the Roma councillor for municipal council work undoubtedly contribute to his or her acceptance by the other councillors. A Roma councillor who is not able to constructively participate in the work of the municipal council may remain marginalised and consequently also ineffective. The education and training of Roma councillors and potential candidates for this function are thus important challenges that cannot be avoided if there is a desire for greater effectiveness of the institution. Education is not necessary only for the councillors and candidates, but also for the wider Roma electorate as it is important that everyone understands what the mandate of a Roma councillor means, what are his or her duties and responsibilities. This would make the work of the Roma councillors at least slightly easier, as now, to use the words of the former Novo mesto Roma councillor Dušica Balažek, in their work they often find themselves in an unfavourable position or caught between the interests of the

local communities and the completely different wishes and expectations of the Roma community (MMC RTV SLO & STA 2014). Due to the impossibility of fulfilling all the expectations of the Roma community (including the unrealistic ones), the Roma councillors may be subject to reproaches that they are doing their job badly or that they are doing it only for their own good or for the good of their family or settlement. These voter sentiments may lead to mistrust in politics and political representatives, and to apathy and non-participation in elections. This can result in a low number of votes received by the elected Roma councillor, which puts a question mark over the legitimacy of his or her representation of the interests of the whole Roma community in the municipality.

The questionability of the legitimacy of representation with a low level of support from the electorate concerns not only the municipal level, but is also transferred to the national level, where every four years Roma councillors elect from among themselves seven representatives in the Roma Community Council – a body that represents the umbrella organisation of the Roma community at the national level. Because the authors of this article do not have the data about the number of the eligible voters for the elections of Roma councillors in individual municipalities, we cannot ascertain what proportion of the eligible voters attended the elections in individual municipalities. In some where there are not many Roma, the proportion of adults is even smaller and it is very likely that many of these are not on the electoral register for the election of the Roma councillor. Consequently, it is difficult to claim that the low number of votes given to individual candidates for the position of a Roma councillor is the result of low turnout of voters. It could be the result of a small number of Roma inhabitants in that particular municipality old enough to vote.

According to the Ministry of the Interior (Personal correspondence with the director of Office for National minorities (Stanko Baluh), 20 February 2017), there were 3,051 eligible voters, members of the Roma community, on 14 November 2016. The number of Roma who voted for a Roma councillor in the last elections in 2014,¹⁸ was 1,615 (State Election Commission 2017). If we compare these numbers,¹⁹ we can conclude that the last elections were attended by over a half of the eligible voters among the Roma.²⁰ This means that the turnout of Roma voters in the local election in 2014 was higher than the general turnout, which was 45.22 per cent (Lokalne volitve 2014, 2014b). It is necessary to add that the number of Roma voters in the last elections, in comparison to the 2010 and 2006, was smaller. In 2006, a total of 1,780 voters voted for Roma councillors, and in 2010 as many as 1,900. There are differences between individual municipalities and in some the turnout increased in the last elections. On the basis of the available data, it is impossible to assess why these changes and differences occurred. Regardless of the decrease of the Roma voters in the last elections, the data about the total turnout of Roma voters show that they are not disinterested in the political process, as is sometimes assumed.

5. The Political Representation and Participation of the Roma at the National Level

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At the national level, the Roma in Slovenia do not have a mandate in the representative body. The only way that they can reach a mandate in the National Assembly is through candidature on a list of a political party in the general elections, and so far no representative of the Roma community has managed to do this. Until 2010, no party in the parliamentary election included a member of the Roma community on their list of candidates. In the 2011 elections, one party did so, but the party did not win a seat in the National Assembly. In the 2014 elections, one party again had a Roma on its list, but he did not get sufficient support to be elected. The Roma in Slovenia have so far thus not been successful in elections via mainstream political parties.²¹ Moreover, political party programmes do not usually pay any attention to Roma issues in order to address Roma voters in particular, and among the Roma there has so far not been a candidate who would succeed in attracting the votes of the wider population.

For the themes concerning the Roma community in Slovenia to become part of the agenda of decision-making bodies and for these bodies to also have a suitable partner on the side of the Roma community, the Roma Community Act (ZRomS-1), adopted in 2007, envisaged the founding of the Roma Community Council of the Republic of Slovenia (hereafter: the Council). The Council, which was constituted in June 2007, represents the interests of the Roma community in Slovenia in relation to the state bodies. In addition, it carries out various duties and discusses issues relating to the interests, status and rights of the Roma community in Slovenia, to the preservation of the Romany language and culture, as well as to the development and preservation of contacts with Roma organisations in other countries. The Council can offer suggestions, initiatives and opinions concerning specific matters to the National Assembly, the National Council of the Republic of Slovenia, the government, other state bodies, the bearers of powers conferred by public law and the bodies of the self-governing local communities (Article 12 of the Roma Community Act, ZRomS-1).

The Council consists of twenty-one members, of which fourteen are representatives of the Union of the Roma in Slovenia and seven representatives of Roma municipal councillors from the group of 20 municipalities, where the right to this position applies (Article 10 of the ZRomS-1). Some concerns have been raised (e.g. Bačlija & Haček 2012, 62) that the domination of the Union of the Roma of Slovenia (URS) in the Roma Community Council signifies a lack of representation of the wider Roma community. The Human Rights Ombudsman submitted an initiative for the assessment of the constitutionality of the provision that defines the composition of the Council, but the Constitutional Court could find no inconsistency with the Constitution (Constitutional Court Decision 2010a). This power of the Union of the Roma of Slovenia founded in

1996 in Murska Sobota is obviously a result of the fact that during the period before the establishment of the Council, the state institutions due to its activities considered it a *de facto* “highest body of the Roma organisation in Slovenia” (Office for National Minorities 2004, 16). In the opinion of one of the long-lasting Roma municipal councillors from Prekmurje, because of this situation the Council is unable to establish itself as a serious discussion partner for the state and it hints at the fact that the “state does not wish for Roma to articulate themselves as a political subject” (Petrovčič 2010).

It could be said that the responsibilities of the Council are too limited and narrowly defined for it to be effective in improving the situation of the Roma in Slovenia. Its activities are limited to discussions, and to drafting initiatives, proposals and opinions. Its opinions are not binding, which means it lacks the power for the effective realisation of Roma interests. The structure of the Council’s organisation that favourises only certain Roma societies, raises a number of concerns about the fairness of such an arrangement. Besides, by providing a mandate to the representatives of societies, it is bypassing the political responsibility of these representatives to the wider Roma population. Such arrangement also preserves the unequal role of the Roma community in relation to the Italian and Hungarian ethnic minorities in Slovenia. In order to realise their needs and interests and to participate in an organised manner in public matters (Article 1 of the Self-Governing Ethnic Communities Act), the latter are organised in self-governing ethnic communities, the representatives of which at the municipal level are elected by the members of the ethnic minorities in direct elections (Article 7 of the Self-Governing Ethnic Communities Act).

6. Conclusion

Roma activity in mainstream politics in Slovenia is very weak, practically non-existent. As in other European countries, Roma candidates in Slovenia very rarely appear on the lists of mainstream political parties and they have no parties of their own. Political participation by the Roma functions mainly within the framework of the system of special representation, which includes: a) a guaranteed mandate of Roma councillors in municipal councils in 20 municipalities, b) the representation of the Roma in special municipal working bodies for monitoring the position of the Roma community, and c) the establishment of an umbrella Roma organisation – the Roma Community Council – which presents the interests of the Roma community to the state bodies. An analysis of the political activities of the Roma community in Slovenia has shown that it is faced with very similar issues as those perceived elsewhere in Europe: from having to deal with racial prejudice and stereotypes about the Roma among the political actors and voters from the majority society, to systemic obstacles to equal participation, lack of political experience, lack of suitably educated and qualified human resources

within the Roma community, lack of information among the Roma about the possible forms of participation, and lack of understanding of the rules, procedures and importance of the specific forms of social and political participation. There are also conflicts within the Roma community itself, which occasionally result in various pressures on the Roma as voters or in a certain group of voters boycotting the elections.

This article began with two questions: firstly, is the Roma community in Slovenia sufficiently self-organised and active and does it have sufficient resources for effective participation in the existing system of political representation; and secondly, does the Slovene state give it sufficient help by creating the conditions (particularly legal foundations) that facilitate an actual equal and effective participation by the Roma? On the basis of the analysis and the presented findings, neither of the two questions can be fully answered in the positive, but in both areas the development of certain positive elements can be observed. The starting positions of the members of the Roma community for entry into politics and for sovereignly acting within it are modest; nonetheless, in the last ten years much has changed. New actors have appeared on political scene and there is a growing number of better educated and qualified Roma.²² The Roma are no longer only closed in their own communities. Progress in the self-organisation and engagement of the Roma is also shown by the increasing number of Roma societies that are striving to improve the position of the Roma and the preservation of the special elements of the Roma culture. Societies are uniting into various associations for the achievement of common goals. In the past, the Union of the Roma of Slovenia had primacy over the presentation of the common interests of the different Roma societies, but now there are other associations appearing on the scene. This pluralisation is creating space for the establishment of the different interests that exist within the Roma community, which is by no means homogenous, but it can also create an impression of division and the worse organisation of the Roma in Slovenia. It is a fact that the Roma lack suitably educated and qualified human resources that could find within this pluralised space common denominators and act in the direction of joint development. In practice, it can be observed that the Roma who acquire a certain social, cultural and political capital usually use this capital for individual escape from the social margins – either they leave the Roma community and are swallowed up by the majority nation or they use the acquired capital from leading the Roma community for a comfortable individual life. There is still all too little use of the political, social and cultural capital for increasing what could be called the Roma public good. The Slovene state also contributes to this situation by setting a legal framework for the political participation of the Roma that does not guarantee or which even prevents the equal participation and inclusion of all the members of the Roma community and at the same time treats the Roma minority as a community that is in the phase of eternal (political)

adolescence, as a community that, due to huge developmental problems and the status of a deviant community, needs a suitable range of tutors and guards, and as a community that cannot be trusted with the responsibility for its own development.

In the state's attitude to the regulation of the political and other rights of the Roma there is a series of paradoxes which are mostly a reflection of the loose legislation or the unclear criteria it contains. Thus the right to elect a Roma municipal councillor is conditional on an unresolved and even controversial criterion of autochthonous or indigenous people, i.e. the historical presence of the Roma on the territory of individual municipalities, but this right is limited to twenty municipalities in spite of the fact that according to this condition, the list of the municipalities should be somewhat longer. On the other hand, the programmes aimed at helping the Roma improve their housing conditions, education and social care also include Roma living outside the above mentioned twenty municipalities. One of the reasons for such diverse and occasionally contradictory approaches to the Roma is a combination of two elements, which represent the foundation for the special treatment of this community: it is treated both as a (socially) vulnerable social group and as an ethnic minority that is entitled to special rights. The numerous measures aimed at improving the position of the Roma are based on treating them as a vulnerable social group which, however, does not (necessarily) have a connection with the special rights of the Roma as an autochthonous ethnic minority. A failure to understand this may lead to mistaken or unrealistic expectations with regard to the regulation of the status of the Roma in various spheres.

Another paradox is that the state is both implementing and encouraging the elected political representation of the Roma at the local level and at the same time does not fully enable the bearers of the elected representative functions to also represent the main formal discussion partner to the state bodies. Through the legal provisions about the composition of the Roma Community Council, this role is mostly granted to the representatives of Roma societies, who do not have a mandate confirmed by the electorate. Undoubtedly it is a positive development that Roma (cultural) societies are observing a growth in their activity and prominence in Slovenia. If it is understandable that in view of the generally marginalised position of the Roma in many parts of Slovenia the societies in this community at the local level play the role of a kind of a replacement political subject, it is perhaps less understandable that the law has allowed the societies to exert such weight also within the political representation of the Roma at the national level, as is the case with the Roma Community Council. The Council is dominated by the society the Union of the Roma, in spite of the fact that the Council was founded as a consultation body and a formal umbrella body of all the Roma a few years after the post of elected Roma municipal councillor was established. If we take into account the fact that during the preparation and

adoption of The Roma Community Act the Roma societies and the Union of the Roma were the most organized and actually the only functioning organizational structure of the Roma in Slovenia, such an arrangement was then quite logical. Roma councilors were at that time just beginning to associate and organize, among them there were also quite a few differences and disputes. But since then the situation has changed considerably and it is becoming apparent that the established arrangement no longer meets current social reality within the Roma community. This example shows that regulation of minority issues and institutions should not be static, but dynamic, paying attention to the social development and change, if necessary.

The institution of the Roma municipal councillor, in spite of the territorial limitations and frequent questions about the (il)legitimacy, the insufficient establishment and experience of individual Roma councillors (or candidates for this position), signifies an important step forward in the political inclusion of the Roma and the establishment of a constructive dialogue among the representatives of local and state authorities and the Roma community itself. It is also important from the viewpoint of the Roma taking responsibility for the development of their own community, which is of key importance for the achievement of any long-term solutions. If the aim is to increase the responsibility of the Roma for their own development and to encourage the Roma to take responsibility for their own development, rather than being ever dependent on the state, the Roma have to be guaranteed a suitable level of self-government, headed by responsible, legitimately elected Roma representatives. This is the only way in which the triangle of political activity, consisting of rights, duties and responsibility, can be closed.

References

- Act Amending the Local Self-Government Act [Zakon o spremembah in dopolnitvah Zakona o lokalni samoupravi (ZLS-L)]*. Official Gazette of the RS 51 (2002).
- Act Amending the Local Self-Government Act [Zakon o spremembah in dopolnitvah Zakona o lokalni samoupravi (ZLS-N)]*. Official Gazette of the RS 60 (2007).
- Act Amending the Local Self-Government Act [Zakon o spremembah in dopolnitvah Zakona o lokalni samoupravi (ZLS-P)]*. Official Gazette of the RS 79 (2009).
- Bačlija, I. & Haček, M., 2012. Minority Political Participation at the Local Level: The Roma. *The International Journal on Minority and Group Rights* 19 (1), 53–68.
- Bešter, R., Medvešek, M. & Pirc, J., 2016. Vloga romskih pomočnikov v Sloveniji pri vključevanju romskih otrok v sistem vzgoje in izobraževanja. *Treatises and Documents, Journal of Ethnic Studies* 76, 5–27.
- Constitution of the Republic of Kosovo*, 2008. [Http://users.unimi.it/dirpubesteuropa/wp-content/uploads/Costituzione-della-Repubblica-del-Kosovo.pdf](http://users.unimi.it/dirpubesteuropa/wp-content/uploads/Costituzione-della-Repubblica-del-Kosovo.pdf) (accessed 9 February 2017).
- Constitution of the Republic of Slovenia [Ustava Republike Slovenije]*. Official Gazette of the RS 33 (1991).

- Constitutional Amendments to the Constitution of the Socialistic Republic of Slovenia: Amendment LXVII [Ustavni amandmaji k ustavi Socialistične republike Slovenije: Amandma LXVII]. Official Gazette of the SRS 32 (1989).*
- Constitutional Court Decision 1998 – *Decision Declaring the Agreement with the Constitution of the National Assembly Elections Act, Local Elections Act, Article 22 of the Voting Rights Register Act, the Fourth Paragraph of Article 53, Article 134 and the Second Paragraph of Article 140 of the Statute of the Municipality of Koper, Declaring Unconstitutional Lacuna in the Voting Rights Register Act and the Partial Rejection of the Initiative [Odločba o ugotovitvi skladnosti z Ustavo Zakona o volitvah v Državni zbor, Zakona o lokalnih volitvah, 22. člena Zakona o evidenci volilne pravice, četrtega odstavka 53. člena, 134. člena in drugega odstavka 140. člena Statuta Mestne občine Koper, o ugotovitvi protustavne pravne praznine v Zakonu o evidenci volilne pravice ter o delnem zavrženju pobude]. Official Gazette of the RS 20 (1998).*
- Constitutional Court Decision 2001 – *Decision Declaring that the Local Government Act and the Statute of the Municipality of Novo mesto are in Disagreement with the Constitution and the Law [Ugotovitev, da sta zakon o lokalni samoupravi in statut Mestne občine Novo mesto v neskladju z ustavo in zakonom]. Official Gazette of the RS 28 (2001).*
- Constitutional Court Decision 2002a – *Decision Declaring that Article 14 of the Act Amending the Local Government Act is not in Disagreement with the Constitution [Odločba o ugotovitvi, da 14. člen Zakona o spremembah in dopolnitvah Zakona o lokalni samoupravi ni v neskladju z Ustavo]. Official Gazette of the RS 87 (2002).*
- Constitutional Court Decision 2002b – *Decision Declaring that the Statutes of the Communities Grosuplje, Krško, Semič, Šentjernej, Trebnje and Beltinci are in Disagreement with the Local Government Act [Odločba o ugotovitvi, da so statuti občin Grosuplje, Krško, Semič, Šentjernej, Trebnje in Beltinci v neskladju z zakonom o lokalni samoupravi]. Official Gazette of the RS 105 (2002).*
- Constitutional Court Decision 2010a – *Decision Declaring that the First Paragraph of Article 10 of the Roma Community Act is not in Disagreement with the Constitution [Odločba o ugotovitvi, da prvi odstavek 10. člena Zakona o romski skupnosti v Republiki Sloveniji ni v neskladju z Ustavo]. Official Gazette of the RS 54 (2010).*
- Constitutional Court Decision 2010b – *Decision Declaring that the Paragraphs Six to Ten of Article 39 of the Local Government Act and Article 6 of the Act Amending the Local Self-Government Act (ZLS-P) are not in Disagreement with the Constitution [Odločba o ugotovitvi, da šesti do deseti odstavek 39. člena Zakona o lokalni samoupravi in 6. člen Zakona o spremembah in dopolnitvah Zakona o lokalni samoupravi (ZLS-P) niso v neskladju z Ustavo]. Official Gazette of the RS 14 (2010).*
- CSW Estimations 2011 [Estimations of the Number and Demographic Structure of Roma Population Living in the Territory of Centres for Social Work: Črnomelj, Grosuplje, Kočevje, Krško, Lendava, Metlika, Murska Sobota, Novo mesto, Trebnje]. Authors' personal database.
- Denton, J., 2003. *Roma Political Participation in Bulgaria, Romania, and Slovakia*. National Democratic Institute for International Affairs, https://www.ndi.org/sites/default/files/1636_cee_romareport_033103_5.pdf (accessed 3 February 2017).
- ENAR/ERIO, 2007. *Political Participation of Roma, Traveller and Sinti communities*, Fact Sheet 32, May 2007, http://cloud2.snappages.com/ecc3fa83da15cf423fe3aaa342f545fa355b24f3/Roma%20political%20participation_may2007.pdf (accessed 3 February 2017).
- Fuka, I., 2013. Manjine nejednako reprezentirane u Saboru. *Novosti* 686, <http://arhiva.portalnovosti.com/2013/02/manjine-nejednako-reprezentirane-u-saboru/> (accessed 3 February 2017).
- Hahonina, K., 2002. Izvoljeno 14 romskih svetnikov. *Mladina*, 13 November 2002, http://www.mladina.si/60266/13-11-2002-izvoljeno_14_romskih_svetnikov/?utm_

- source=dnevnik%2F13-11-2002-izvoljeno_14_romskih_svetnikov%2F&utm_medium=web&utm_campaign=oldLink (accessed 14 February 2017).
- Hahonina, K., 2006. V Grosupljem pa že ne. *Mladina*, 10 October 2006, <http://www.mladina.si/95105/v-grosupljem-pa-ze-ne/> (accessed 2 February 2017).
- Janko Spreizer, A., 2004. "Avtohtoni" in "neavtohtoni" Romi v Sloveniji: socialna konstrukcija teritorialnega razmejevanja identitet. *Treatises and Documents, Journal of Ethnic Studies* 45, 202–225.
- Josipovič, D., 2014. Avtohtonost, etničnost, narodnost in definicija narodne manjšine. In D. Josipovič & V. Kržišnik-Bukič (eds.) *Zgodovinski, politološki, pravni in kulturološki okvir za definicijo narodne manjšine v Republiki Sloveniji*. Inštitut za narodnostna vprašanja, Ljubljana, 9–34.
- Komac, M., 2007a. Education for Efficient Political Participation of Roma Community in Slovenia. In M. Komac & R. Varga (eds.) *Social Inclusion of Roma: Stories from Finland, Slovakia, Slovenia and Portugal*. Inštitut za narodnostna vprašanja, Regionalna razvojna agencija Mura, Ljubljana, Murska Sobota, 107–128.
- Komac, M., 2007b. Konstrukcija romskega političnega predstavništva. *Treatises and Documents, Journal of Ethnic Studies* 53–54, 6–26.
- Krajnc, K., 2006. Slovenski Romi in njihovi svetniki. In B. Jezernik (ed.) "*Zakaj pri nas žive Cigani in ne Romi*". *Narativne podobe Ciganov/Romov*. Univerza v Ljubljani, Filozofska fakulteta, Oddelek za etnologijo in kulturno antropologijo, Ljubljana.
- Krause, S., 2007. Mapping the Electoral Participation of Roma in South-Eastern Europe. Expert Paper. Organization for Security and Co-operation in Europe, <http://www.osce.org/odhr/23693?download=true> (accessed 3 February 2017).
- Local Elections Act [Zakon o lokalnih volitvah (uradno prečiščeno besedilo) (ZLV-UPB3)]*. Official Gazette of the RS 94 (2007).
- Local Self-Government Act [Zakon o lokalni samoupravi (ZLS)]*. Official Gazette of the RS 72 (1993).
- Lokalne volitve 2014*, 2014a. [Http://volitve.gov.si/lv2014/kandidati/zupani_os_ljubljana.html](http://volitve.gov.si/lv2014/kandidati/zupani_os_ljubljana.html) (accessed 4 February 2017).
- Lokalne volitve 2014*, 2014b. [Http://volitve.gov.si/lv2014/udelezba/obcine_naziv.html](http://volitve.gov.si/lv2014/udelezba/obcine_naziv.html) (accessed 4 February 2017).
- MMC RTV SLO & STA, 2014. *Romski svetniki uspešnejši v Prekmurju kot na jugu Slovenije: priprave Romov na volitve*, <http://www.rtvslslo.si/lokalne-novice/romski-svetniki-uspesnejši-v-prekmurju-kot-na-jugu-slovenije/343797> (accessed 7 February 2017).
- Obreza, J., 2003. Romi v slovenskem pravnem redu in njihova politična participacija na lokalni ravni v luči predvidenih zakonskih sprememb. In V. Klopčič & M. Polzer (eds.) *Evropa, Slovenija in Romi: zbornik referatov na mednarodni konferenci v Ljubljani, 15. februarja 2002*, 47–59. Inštitut za narodnostna vprašanja, Ljubljana.
- Office for National Minorities, 2004. *Poročilo o položaju Romov v Sloveniji*. Office for National Minorities, Ljubljana.
- Office for National Minorities, 2011. *The minutes of the 9th meeting of the Commission of the Government of the Republic of Slovenia for the protection of the Roma community*, 2 March 2011. Office for National Minorities, Ljubljana.
- Open Society Foundations, 2013. *Why Roma Political Participation Matters?* [Https://www.opensocietyfoundations.org/explainers/why-roma-political-participation-matters](https://www.opensocietyfoundations.org/explainers/why-roma-political-participation-matters) (accessed 1 February 2017).
- OSCE – Organisation for Security and Co-operation in Europe, 2000. *Report on the Situation of the Roma and Sinti in the OSCE Area*, <http://www.osce.org/hcnm/42063?download=true> (accessed 3 February 2017).

- OSCE/ODIHR, 2013. *Implementation of the Action Plan on Improving the Situation of Roma and Sinti in OSCE Area, Status Report 2013*, <http://www.osce.org/odihhr/107406> (accessed 2 February 2017).
- OSCE/ODIHR, 2016. *Roma and Sinti Political Participation: Opportunities and Risks of Local-level Engagement. Summary Report of the Expert Meeting in Warsaw, 28 November 2014*, <http://www.osce.org/odihhr/219511?download=true> (accessed 2 February 2017).
- Personal Correspondence With the Director of Office for National Minorities (Stanko Baluh), 20 February 2017.
- Petrovčič, P., 2010. Darko Rudaš, predsednik Foruma romskih svetnikov. *Mladina*, 16 September 2010, <http://www.mladina.si/51740/darko-rudas-predsednik-foruma-romskih-svetnikov/> (accessed 21 February 2017).
- Pirc, J., 2013. *Od skritosti do točke na zemljevidu. Socialno-prostorski razvoj izbranih romskih naseelij v Sloveniji*. Inštitut za narodnostna vprašanja, Ljubljana.
- Pirc, J., 2016. Izbrane sodobne demografske in poselitvene dinamike romskega prebivalstva v Sloveniji. In D. Grafenauer & K. Munda Hirnök (eds.) *Raznolikost v raziskovanju etničnosti: izbrani pogledi*. Inštitut za narodnostna vprašanja, Ljubljana, 244–265.
- Plut, D., 1991. Uvod. *Treatises and Documents, Journal of Ethnic Studies* 25, 7–9.
- Roma Community Act [Zakon o romski skupnosti v Republiki Sloveniji (ZRomS-1)]. Official Gazette of the RS 33 (2007).
- Rozman, V., 1991. Romi – tisočletja živimo na slovenski zemlji in tu bomo tudi ostali. *Treatises and Documents, Journal of Ethnic Studies* 25, 135–136.
- Self-Governing Ethnic Communities Act [Zakon o samoupravnih narodnih skupnostih (ZSNS)]. Official Gazette of the RS 65 (1994).
- Sobotka, E., 2004. *Roma in Politics in the Czech Republic, Slovakia and Poland*. European Roma Rights Center, <http://www.errc.org/cikk.php?cikk=1354> (accessed 1 February 2017).
- Societies Act [Zakon o društvih (uradno prečiščeno besedilo) (ZDru-1)]. Official Gazette of the RS 64 (2011).
- STA, 2003. Občine Grosuplje, Semič in Šentjernej še niso odpravile nezakonitega stanja. *Dnevnik*, 2 February 2003, <https://www.dnevnik.si/42504/lokalno/42504> (accessed 14 February 2017).
- State Election Commission, 2017. *Lokalne volitve*, <http://www.dvk-rs.si/index.php/si/volitve/lokalne-volitve> (accessed 5 February 2017).
- Statute of Municipality of Grosuplje [Statut Občine Grosuplje]. Official Gazette of the RS 1 (2010).
- Šajnović, R., 1991. Ureditev statusa Romov kot narodnosti – osnutek amandmaja k ustavi Republike Slovenije. *Treatises and Documents, Journal of Ethnic Studies* 25, 131–132.
- Šiftar, V., 1990. Romi – narodnostna ali etnična skupnost? *Treatises and Documents, Journal of Ethnic Studies* 25, 80–84.
- Štrukelj, P., 2004. *Tisočletne podobe nemirnih nomadov. Zgodovina in kultura Romov v Sloveniji*. Družina, Ljubljana.
- Trdina, J., 1957. *Zbrano delo. Črtice in povesti iz narodnega življenja. Deseta knjiga*. Državna založba Slovenije, Ljubljana.
- Vermeersch, P., 2000. Romani Political Participation and Racism: Reflections on Recent Developments in Hungary and Slovakia. European Roma Rights Center, <http://www.errc.org/article/romani-political-participation-and-racism-reflections-on-recent-developments-in-hungary-and-slovakia/1182> (accessed 3 February 2017).
- Voting Rights Register Act [Zakon o evidenci volilne pravice (Z EVP-2)]. Official Gazette of the RS 98 (2013).

- Zupančič, J., 2007. Romska naselja kot poseben del naselbinskega sistema v Sloveniji. *Dela* 27, 215–246.
- Zupančič, J., 2014. *Romi in romska naselja v Sloveniji*. Znanstvena založba Filozofske fakultete, Ljubljana.
- Žagar, M., 2002. Nekaj misli o politiki integracije romske skupnosti v Sloveniji. *Treatises and Documents, Journal of Ethnic Studies* 41, 136-171.
- Žagar, M., 2017. Inclusion, Participation and Self-Governance in Plural Societies: Participation of National Minorities in the CEI Area. *Treatises and Documents, Journal of Ethnic Studies* 78, 5-22.

Notes

- ¹ For some methodological considerations, see: Žagar (2017).
- ² Including: prejudice and stereotypes, poverty, unemployment, low educational level, unsuitable living conditions, language barriers (Denton 2003).
- ³ More on this in OSCE/ODIHR (2013, 52–53).
- ⁴ More on this in Denton (2003, 12).
- ⁵ For example, in Romania and Kosovo, the Roma are guaranteed a seat in the parliament (Krause 2007, 16, Art. 64 of the Constitution of the Republic of Kosovo); in Croatia, they share a seat with other minorities (Fuka 2013).
- ⁶ Now, there are only two examples left of the remnants of the former function of a chief in two larger Roma settlements – both are elders in their home villages of Vejar and Kamenci.
- ⁷ E.g., Dušan Plut, who expressed this in Uvod [Introduction] (1991, 7) to the thematic issue of *Treatises and documents, Journal of Ethnic Studies*, with the telling title of *Romi na Slovenskem* [Roma in Slovenia].
- ⁸ The issue of the autochthonous character or indigenusness of the Roma community in Slovenia has been written about by, for example Janko Spreizer 2004. Josipovič 2014 writes wider about the concept of autochthonism.
- ⁹ It is necessary to note here that with this there also came a change in the diction about the number of Roma councillors. While in the first variant of the Local Self-Government Act from 1993, Article 39 stated that the Roma community in individual municipalities has “in the municipal council a *minimum* [authors’ emphasis] of one representative”, the amendment to this act from 2002 and all the following amendments talk about only one representative of the Roma community in the municipal council.
- ¹⁰ In contrast, Bačlija and Haček (2012, 58) claim that the autochthonous label should refer to the Roma whose ancestors lived on the territory of Slovenia at least a hundred years ago.
- ¹¹ These were six municipalities: Ljubljana, Maribor, Velenje, Brežice, Ribnica and Škocjan.
- ¹² More about the Roma Community Council later in this article (see chapter 5).
- ¹³ Due to procedural complications, the elections of the Roma councillor in the Novo mesto municipality were carried out in December 2002 (Hahonina 2002).
- ¹⁴ There was a complication in the Semič municipality due to the incomplete legislation in this area, with individuals who did not belong to the Roma community entering their names on the list of candidates (Office for National Minorities 2004, 19).

- ¹⁵ The analysis of the elections was carried out for the 20 municipalities for which the law dictates that they have to provide at least one seat in the municipal council for a representative of the Roma community. The data for the 2002 elections is incomplete, thus the analysis in some elements included only the elections in 2006, 2010 and 2014.
- ¹⁶ It must be added here that in previous years positive shifts in the training of Roma councillors have been observed, as they attended numerous workshops, particularly as part of projects, such as Romano Kher – A Roma house.
- ¹⁷ Carried out as part of their previous work in various projects organised by the Institute for Ethnic Studies.
- ¹⁸ Including the subsequent elections in the municipality of Grosuplje, carried out in 2015.
- ¹⁹ The data on the total number of eligible voters, members of the Roma community, for the year 2014 are not available, therefore we use the 2016 data.
- ²⁰ A rough estimate (with regard to the Assessments by the Social Work Centre) is that approximately 80 per cent of adult Roma in these 20 municipalities are registered in the electoral register of the members of the Roma community.
- ²¹ Here, the example can be mentioned of a candidate of Roma origin who as a member of one of the political parties in 2014 unsuccessfully stood for the position of the municipal council in the local elections in one of the municipalities, which do not belong in the group of those with the right to a Roma councillors (Lokalne volitve 2014 2014a). In contrast, in the municipality of Novo mesto, one of the more active members of the Roma community there was at the same election elected into the municipal council – prior to this he was elected twice as the member of the local community. At the same election, two other candidates of Roma origin also unsuccessfully stood for the position of councillor in Novo mesto (State Election Commission 2017).
- ²² In this respect, we can mention the development of the post of Roma assistant (more on this in Bešter et al. 2016), within the framework of which quite a number of young Roma acquired a national vocational qualification as a Roma assistant, a few finished secondary school, completed the baccalaureate and enrolled at university, while a few are still at secondary school. One of the Roma assistants holds the position of a Roma councillor in a Prekmurje municipality.