

OMBUDSman

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HOW TO PROTECT YOUR RIGHTS



The second half of the 1980s, and in particular, the 1990s, were years when we had the feeling that a better life was on its way and that democracy in its purest form was finally going to engulf us. In the new, emerging nation-states many people saw an end to national oppression, intolerance and discrimination, the final affirmation of democracy and an end to privileges for those in authority - in short, a country made to the precise measure of its people. Many state institutions were transformed and new ones appeared. And one of the institutions whose task it is to prevent the abuse of authority is the institution of the ombudsman. Although in its Swedish homeland this institution has almost two centuries of history behind it, for a large part of the world, it is still something new. In the last decade or two, almost all countries have gained an ombudsman institution under one name or another: defender of the people, mediator, commissioner for human rights, etc. In Slovenia we call the institution of the ombudsman Varuh človekovih pravic, or Human Rights Ombudsman in English, and this year it completes its first decade of work. This edition of the newsletter is therefore slightly different from the usual newsletter, since we have dedicated it

to this anniversary. It is necessary, when jubilees occur, to carry out a kind of "stocktaking", so that on the basis of the mistakes and successes of the past, we can plan new ways to develop and better forms of work in the future. I firmly believe that this institution has achieved a great deal in its first decade and that we citizens of Slovenia have fewer problems than we would have if the institution did not exist. On the other hand there is no doubt that there is much that we have not done - and will have to do, or do better, in the future. This edition of the newsletter is also aimed at identifying these new avenues of development. A historical overview of the work of the Human Rights Ombudsman and the problems we have encountered most frequently confirms the great journey we have all made in this period - a journey which is certainly far from over. Because human rights are just like all other needs: no sooner have we satisfied our present needs than new ones appear. And unfortunately the same is true of the state: if there is not someone constantly keeping an eye on it, it becomes negligent with regard to its people. Irrespective of the political system. And therefore the existence of an institution that functions as a watchdog is absolutely essential.

I would like to take this opportunity to thank all my colleagues, and those who worked for the Human Rights Ombudsman before my term of office, for the fine work they have done.

The end of the year is approaching, and therefore I wish you all a happy 2005 - and hope that you will have no need for the services of the Human Rights Ombudsman in the coming year!

MATJAŽ HANŽEK, Human Rights Ombudsman 



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History of the institution



*Ivan Bizjak,
the first Human Rights Ombudsman*

The institution of Human Rights Ombudsman was introduced to Slovenia's constitutional system in 1991 with the adoption of the new Constitution of the Republic of Slovenia, which provided for the appointment of a citizens' rights ombudsman to protect human rights and fundamental freedoms in relation to state bodies, local government bodies and holders of public authority. In December 1993, the National Assembly of the

Republic of Slovenia adopted the Human Rights Ombudsman Act, which sets out the ombudsman's competences and powers and is the legal basis for the foundation of the institution of ombudsman. On 29 September 1994, at the proposal of the president of the Republic, the National Assembly appointed **Ivan Bizjak the first Human Rights Ombudsman**. Later three deputy ombudsmen were also appointed: Aleš Butala, France Jamnik and Jernej Rovšek.

The **Human Rights Ombudsman** officially commenced work on 1 January 1995. On that day, the **Council for the Protection of Human Rights and Fundamental Freedoms**, in existence since 1988, ceased to operate. The Council was established at a time when throughout Yugoslavia, but particularly in Slovenia, awareness was increasing of the importance of protecting human rights. The Council always functioned as a collective body. Its president and mandate-holder was Dr Ljubo Bavcon and its vice-president was Dr Danilo Türk. The other members of the Council were individuals such as university professors, artists, scientists, priests and other independent advocates of the protection of human rights. From 1992 onwards, the Council worked within the framework of the so-called national institutions for the protection of human rights. In the same period it also began collaborating with ombudsmen, since the drafting of a Human Rights Ombudsman bill had become a necessity.

The ombudsman's office comprises a team of specialists (expert service) and an administrative team (service of the general secretary). The activities of the specialist service mainly relate to investigations and the preparation of reports and opinions on the complaints received by the office. The service of the general secretary is responsible for all tasks necessary to ensure the smooth functioning of the institution in its organisational, legal, administrative, material, financial and human resources aspects.

On 29 September 2000, the six-year term of office of the first ombudsman, Ivan Bizjak, came to an end. Despite unequivocal sup-

port for his work to date, his candidacy for a second term of office did not win the support of a sufficient number of members of parliament.

At its session on 21 February 2001, and at the proposal of the president of the Republic, the **National Assembly** of the Republic of Slovenia appointed **Matjaž Hanžek** the second Human Rights Ombudsman.

When considering the ombudsman's regular annual report for 2000, the National Assembly expressed its support for the ombudsman's proposal to set up a **specialised group for work in the field of the protection of children's rights** within the ombudsman's office.



The deputy ombudsmen (from the left: Jernej Rovšek, France Jamnik, Aleš Butala) and the President of the former Council for the Protection of Fundamental Freedoms, Dr Ljubo Bavcon

In January 2003, the National Assembly appointed a fourth deputy ombudsman, Tone Dolčič, to be responsible for the protection of rights in the fields of social security and children's rights. With the adoption of the amending statute to the Personal Data Protection Act, the ombudsman gained **new competences in the field of personal data protection**.

In July 2004, the National Assembly of the Republic of Slovenia accepted the ombudsman's suggestion on the setting up of an internal unit within the existing ombudsman institution to be responsible for **monitoring all forms of discrimination and intolerance**.



Children from the Glazija primary school on the visit by the Human Rights Ombudsman

In this way the ombudsman intends to form an interdisciplinary group to deal with all forms of discrimination in an integrated manner. This means addressing complaints relating to discrimination, carrying out research in this field and formulating appropriate education and promotion strategies that will help reduce discrimination and intolerance in Slovenian society. ■

Features of the ombudsman's work - then and now



The first Human Rights Ombudsman Ivan Bizjak delivering the annual report to the former Prime Minister Janez Drnovšek

The institution of the Human Rights Ombudsman is based on the classic model of a national parliamentary ombudsman with broad powers in relation to state bodies, and other bodies holding public authority. The origins of the institution of the ombudsman **date back to 1809**, when the institution of "ombudsman for justice" was created in Sweden. This model has since been adopted by the majority of western European countries. With his functions and powers, the ombudsman is an additional means of extrajudicial protection of the rights of the individual. In 1995 it was apparent in the work of the Human Rights Ombudsman that the institution was in its infancy. It was clear from numerous applications that there was a lack of understanding of the role of the Human Rights Ombudsman and of his powers. This applies in particular to those individuals who imagined that the ombudsman was able to alter the decisions of other state bodies - or even amend final judicial decisions. In many cases individuals expected the ombudsman to intervene in all manner of disputes - involving families, neighbours, employers, etc.

Some expected the ombudsman to represent them in judicial or other proceedings, while others expected him to take direct action to resolve their social difficulties or housing problems. We were frequently asked by individuals to study their case and offer them legal advice.

For this reason, we **began devoting considerable attention to explaining the ombudsman's powers**. It was clear that the public had quite a number of groundless expectations, in particular the idea that the ombudsman would tackle all the accumulated problems of society regardless of their connection to human rights, and the idea that the work of the ombudsman would be directed towards a public criticism of state bodies.

In the years since the institution was founded, the **annual intake of cases has stabilised at between 3000 and 3500**. The majority of these are from the areas of judicial and police procedures, administrative matters and social security matters. We estimate that the proportion of justified cases (cases are justified when there is a violation of rights or other irregularity in all the statements of the complaint) is around one in five. In comparison to other related institutions, this proportion is quite high, but it should be pointed out that this is also due in part to the length of judicial and administrative proceedings.

METHODS AND FORMS OF WORK

The institution of the Human Rights Ombudsman was founded for the purpose of protecting human rights and fundamental freedoms in relation to state bodies, local government bodies and holders of public authority. Its function is to prevent and identify violations of human rights and other irregularities, and to rectify their consequences. It is therefore of vital importance that the ombudsman should be accessible to everyone who wishes to turn to him. This is the principle followed by a range of solutions regarding the ombudsman's method of work.

In the reception office, a petition can be submitted at any time during office hours and a member of staff is always available to provide information. Conversations with complainants are carried out by the ombudsman, his deputies and his advisers. For explanation, advice and information on submitted complaints, individuals can use the **freephone number (080 15 30)**. Since October 1998, it has also been possible to submit a complaint to the ombudsman via electronic mail (info@varuh-rs.si), whilst complainants may also submit complaints during the course of a personal interview. Some complaints derive from conversations with persons in custody during visits to prisons and detention centres. The ombudsman also accepts complaints when working away from the office ("on location"), and during the course of other visits when he holds conversations with complainants. **Procedures involving the ombudsman are informal and free of charge.**

In order to clarify all circumstances relating to the complaint being dealt with, we generally try to obtain the point of view of the other



Students from the I. Grammar School Celje at a professional consultation on domestic violence



*Higher Public Prosecutor Vlasta Nussdorfer
and the Human Rights Ombudsman Matjaž Hanžek*

party involved. For this reason, inquiries are made at the body to which the complaint relates. Since the matters dealt with differ considerably in content, the methods used in making inquiries also differ. As a rule, a written application is made to the body concerned, which includes a brief summary of the alleged irregularity, or a reply description of the problem, and a request for more detailed information. At the same time a deadline with regards to the reply is set. The length of the deadline depends on the urgency and complexity of the case but is never longer than 30 days. Sometimes, if time is of the essence, or because of the nature of the problem, inquiries by telephone are made. In some cases, when the body fails to respond to our inquiries, we inspect the entire file on the case to which the complaint relates. The head of the body concerned, or a representative, is invited to talk to us if there are issues of a broader nature that need clarification. In the case of complaints from persons in custody regarding unsuitable procedures or living conditions at the institution where they are being held, we talk to the administration of the institution and at the same time visit the person who has made the complaint.

Once all the necessary information has been collected, a decision on how to proceed is made. Sometimes the response from the body concerned represents a solution to the complainant's problem - for example, information as to when a proceeding will continue and be concluded. In such cases our procedure can be concluded, but the complainant is invited to contact us again if the body concerned fails to respect its own assurance about the continuation of the proceeding. In other cases, where the complaint is justified, we continue with our clarification of the disputed issues until a suitable solution is reached.

We are aware, when dealing with complaints, that the most important thing for the complainant is that a solution to his or her problem is achieved. This is the starting point in deciding on the most suitable measure among those we are empowered to use. In cases where a procedure is taking an excessive amount of time, we intervene at the body concerned in order to speed up the case, especially if the reasonable or statutory deadline for a decision has already been exceeded, and if this does not mean an infringement of the case schedule. We can also propose to the body the resolution of the problem by means of a settlement, provided the complainant agrees. If it is no longer possible to rectify the irregularity, a proposal is made to the body that it apologise to the complainant for the irregularity committed. If it is established that the problem is exclusively the consequence of unsuitable regulations, a proposal for changing these regulations is put forward. If such a regulation relates to an important

issue from the point of view of human rights and fundamental freedoms, and our proposed changes are not given due consideration, a proposal for a review of constitutionality and legality can be lodged with the Constitutional Court. The Human Rights Ombudsman can also file a constitutional complaint with the Constitutional Court.

Work Outside Ljubljana

In our desire to be more accessible to people who live in remote parts of the country, we have introduced "location work" away from the office as a regular form of work. In this way the opportunities of talking to the ombudsman or his deputies have been increased. The aim of our work away from Ljubljana is to ensure the **ombudsman's presence throughout the whole of Slovenia**. Work on location has several advantages. The first is the fact that it makes it possible for individuals living a long way from Ljubljana to have a personal conversation with the ombudsman, or a member of his team and explain their problems in more detail. The second is that some problems relating to unsuitable work by state bodies and local bodies in the places visited can be remedied through immediate intervention during the visit itself. The visit also has a preventive effect on the work of state bodies and local bodies in the locality in question. We carry out this form of work in municipal centres in premises that are made available to us free of charge by the municipalities concerned.



The Human Rights stand at the Peace Festival in Slovenj Gradec

Contacts with State Bodies and Other Bodies

One important contribution to the successful work of the ombudsman is suitable cooperation with state bodies and other bodies. The ombudsman works with these bodies at two levels - the preventive/promotional level and the curative level. At the latter level, suitable cooperation with state bodies and other bodies is apparent from correct responses to the ombudsman's inquiries and a clear willingness on the part of responsible officers to discuss problems from the sphere of the protection of human rights, and from proper consideration of the ombudsman's problems and opinions. As a rule, state bodies observe the ombudsman's proposals, opinions and findings regarding the resolution of problems and are willing to talk. However, in the case of communication breakdowns, the ombudsman will eventually (after several warnings) resort to exerting pressure via the public.

Every year the ombudsman **submits to the National Assembly an annual report** on his work and his findings regarding the level of respect of human rights and fundamental freedoms and the legal security of citizens in Republic of Slovenia. As well as his regular annual reports, the ombudsman produces special reports on specific issues of particular urgency. Since 1996 he has also produced abbreviated versions of his reports in English.



Human Rights Ombudsman Matjaž Hanžek and senior Orthodox priest Peran Boškovič

Public Relations

The support of the public is of particular importance for the successful work of every ombudsman. For this reason a great deal of attention is devoted to the public about our work. In 1997 the ombudsman's office employed one person to deal with this area; at present a public relations department consisting of two members of staff is being set up.

The Human Rights Ombudsman's website (www.varuh-rs.si) has proved a very useful and welcome source of information not just for members of the media but also for students, schoolchildren, complainants and completely random visitors. The ever increasing need to adapt the content and design of the website to various sections of the public has prompted a redesign of the site that will be carried out in 2005.

With the establishing of a special department for the rights of children and adolescents, the ombudsman has begun devoting himself increasingly to **promotion and education**, since work with children requires different methods. Since 2002, in addition to occasional visits to schools, the ombudsman has organised a number of now traditional events during the Week of the Child and the Rights Focus celebrating the signing of the Convention on the Rights of the Child. In this way the ombudsman wants to involve children and adolescents as actively as possible in the process of learning about rights and obligations and familiarise himself as much as possible with the problems that affect them. Attention should also be drawn here to the **"My Rights"** project designed to promote awareness of and education about children's rights. The ombudsman began implementing this project in 2003 in collaboration with the School for Peace and other non-governmental organisations. The same year he initiated the **"Children's Rights are not just anything, they are the law!"** advertising campaign aimed at promoting children's rights. The ombudsman also devotes considerable time to working with the student population.

In 2003 a new publication aimed at educating and informing people about human rights appeared: the free newsletter **"Ombudsman - How to Protect Your Rights"**. The main aim of this newsletter is to teach people about their rights and indicate ways to seek help and redress wrongs and how to help reduce violations of rights.

A special place in the ombudsman's relations with various sectors of the public is taken up by **relations with representatives of civil society**. The institution of the ombudsman, in the role of a kind of

mediator, strives for an effective relationship between civil society and the holders of authority. Civil organisations can also be a very effective source of information and experience.

On the other hand, via non-governmental civil organisations, it is often easier for the ombudsman to reach groups or individuals from vulnerable sectors of society, the underprivileged or marginalized, who face violations of their rights every single day but are unaware of how the institution of the ombudsman can help them in resolving their problems.

Since the very beginning, the ombudsman has also devoted attention to **relations with the media**. Since 1995 he has held press conferences in the office and within the context of his visits to other parts of the country. The main purpose of these press conferences is to draw attention to the cases of maladministration on the part of state bodies, which are identified on the basis of the complaints dealt with, and to familiarise the general public with the work of the Human Rights Ombudsman.

Educating people about their rights - whether as a deliberate project or as a side-effect of addressing and resolving individual complaints - establishes a strong tie between the ombudsman and the media. With the help of the media, the ombudsman not only acquaints the public with his discoveries regarding maladministration on the part of the state, but also increases people's awareness of their rights and, last but not least, indicates to them how to act in their dealings with institutions.

This coexistence of two independent institutions - two watchdogs - does however lay a trap for both: the interweaving of their activities can quite quickly lead to a danger of loss of independence for one or the other, or most probably for both. Another danger of too much connection between the Human Rights

Ombudsman and the media is that the media can also be a violator of human rights - and some indeed are - above all, in the dissemination of "hate speech", intolerance, discrimination or violation of personal integrity, excessive interference in an individual's privacy by publishing stories of a private and personal nature, or by disclosing personal data. Thus an excessively close connection between the ombudsman and the media can reduce the effectiveness of the ombudsman's control of the media as (potential) violators of human rights. Another important aspect of the ombudsman's work in relation to the media is the protection of the freedom of expression of the media.

International Cooperation

Since the Human Rights Ombudsman is the only institution of its kind in Slovenia, international relations and cooperation with international institutions working in the field of human rights are extremely important. International contacts are particularly important when establishing a new institution. One of the ombudsman's first



The international conference on 'The Relationship between Ombudsmen and Judicial Bodies'

acts was therefore to join the ombudsman institutions and related institutions. In 1995 he became a member of the **European Ombudsman Institute (EOI)** and the **International Ombudsman Institute (IOI)**.

To begin with, the ombudsman's international activities were mainly directed at gaining experience. He visited several ombudsmen to learn about organisation, methods of work, forms of contacts with complainants, methods of dealing with applications, organisation of information systems, etc.

The year 1996 was marked by a series of achievements important for the further consolidation of the institution. Particularly notable was the successful organisation of the EOI General Assembly and a Working Conference under the banner "**Escape from Budget, Escape from Control**". At the General Assembly Ivan Bizjak was **elected vice-president of the EOI**.

The same year, the ombudsman was **elected to the IOI Board of Directors**. In November 2001 the second ombudsman **Matjaž Hanžek** was elected **one of the four European directors** of the IOI. Deputy ombudsman Aleš Butala was **elected a member of the European Committee for the Prevention of Torture** and Inhuman or Degrading Treatment or Punishment at the end of 1998, and re-elected in 2002.

In 1999 the ombudsman took on an important role in the sphere of communication among European ombudsmen when he was entrusted with the task of **editing the European Ombudsmen Newsletter**, the organ of Europe's national ombudsmen. The newsletter is published in English three times a year. The ombudsman continued as editor until 2003. That same year the ombudsman organised a seminar in Ljubljana under the title **The Ombudsman and EU Law** in collaboration with the ombudsman of the European Union, Jacob Söderman.

After five years of work, the ombudsman began passing his experiences on to other countries, either directly or via the Council of Europe, in particular to the countries of eastern and south-eastern Europe. He contributed practical experience to the establishing of ombudsman institutions in the countries in transition. This included both cooperation on the preparation of the legal basis for establishing the institutions and the provision of information about organisation, the working process, dealing with complaints, public relations and other matters important for the optimal functioning of the institution of the ombudsman. By the end of 2004, the ombudsman had cooperated on the establishing of ombudsman institutions in Macedonia, Greece, Slovakia, Armenia, Albania, Bosnia and Herzegovina, Montenegro and Turkey.

Among the more important international events organised by the Human Rights Ombudsman in 2001 was the international conference entitled **The Relationship between Ombudsmen and Judicial Bodies**, which took place in Ljubljana on 12 and 13 November. The



Participants of the Annual Meeting of the Voting Members of the European Section of the IOI in Ljubljana at the reception in Parliament

meeting was the contribution of Slovenia's ombudsman to the Stability Pact for South-Eastern Europe. Representatives of ombudsmen and judicial bodies from transition countries and other European countries, and representatives of the Council of Europe met to talk about their experiences and present practical ways in which ombudsmen can influence the work of justice bodies and help change problematic legislation, including legislation relating to constitutional courts.

In 2002, the ombudsman organised the **Annual Meeting of the Voting Members of the European Section of the IOI**. At this meeting the ombudsmen discussed the independence of the institution of the ombudsman in relation to politics, the civil sphere and the media, and financial independence. The meeting was a unique opportunity to present Slovenia as a country with a highly developed level of respect for human rights.

Efforts in the sphere of the protection of children's rights bore fruit in 2002, when the ombudsman became a full member of the **European Network of Ombudsmen for Children (ENOC)**. Cooperation in the ENOC is extremely useful for Slovenia's ombudsman since the exchange of experiences, exposure to different models and active cooperation contribute to the protection of children's rights and, above all, to the better assertion of these rights in practice.

Slovenia's accession to the European Union has also meant the start of more in-depth cooperation with the European ombudsman, who has established for this purpose a network designed to ensure the closer cooperation of ombudsmen within the EU. In 2003, representatives of the accession countries joined the network. Just before Slovenia formally entered the EU, we were visited by the European ombudsman, P. Nikiforos Diamandouros, who came to Slovenia in order to present his work to the Slovenian public. ■



European Ombudsman P. Nikiforos Diamandouros on his visit in Slovenia

What are we going to do in the future?

What are we going to do in the future? How is the institution of the Human Rights Ombudsman expected to develop? It may sound a little strange, but the answer to this question probably derives from our expectations of how human rights are going to be violated in the future. The existence and development of every institution is dependent on the changes in the object of its work. In a superficial sense this would mean that we have to plan abuses of human rights in order to predict the development of the institution - but of course, this is not really the case! When thinking about what we are going to be doing in the future, changes in the ways in which human rights are abused, new violations that are more or less likely to happen, are only part of the picture; more than this, our work will be affected by changes in our understanding of what actually constitutes violations of human rights. In other words, it is about a change in our sensitivity (as a society) to certain acceptable/unacceptable phenomena. We must realise that human rights are like other needs: the satisfaction of the needs that seem most important at the moment is itself a cause for satisfaction, but almost simultaneously it leads to the appearance of new needs. It is these new needs that now seem most important, and we have already practically forgotten the previous ones.

But can we at least approximately estimate what we are going to be doing in the next ten years, for example? What areas will the ombudsman be most involved in? We can make a partial prediction on the basis of analysis of past work and on the basis of how society is expected to develop. Our ten years of work to date are a good basis for analysis. Thus we can establish that our work in the past was dictated by the **current (development) problems of society** (e.g. citizenship, refugees, "the erased", etc.), **changes in society's sensitivity** towards individual phenomena (not so long ago homosexuals were locked up as criminals, later they were proclaimed to suffer from an illness, and today an affront to homosexuals can cause the European government to totter!) and **international events** (the setting-up of the European Commission against Racism and Intolerance, the commissioner for human rights at the Council of Europe, etc.). At the same time, **supervision of specific institutions** - above all, institutions with

special powers (police, psychiatric institutions) and those whose decisions affect people's lives on a daily basis (the state administration, the courts, etc.) - has been a constant.

And this is likely to be the case in the future. The basic ("routine") work - supervision of the institutions that administer our everyday lives - will remain. We will supervise police procedures and deprivations of liberty and, in collaboration with the police, raise the already fairly high level of protection of human rights in these procedures. Something similar will probably happen with the state administration and other institutions holding public authority, and with their attitude to citizens: a never-ending story.

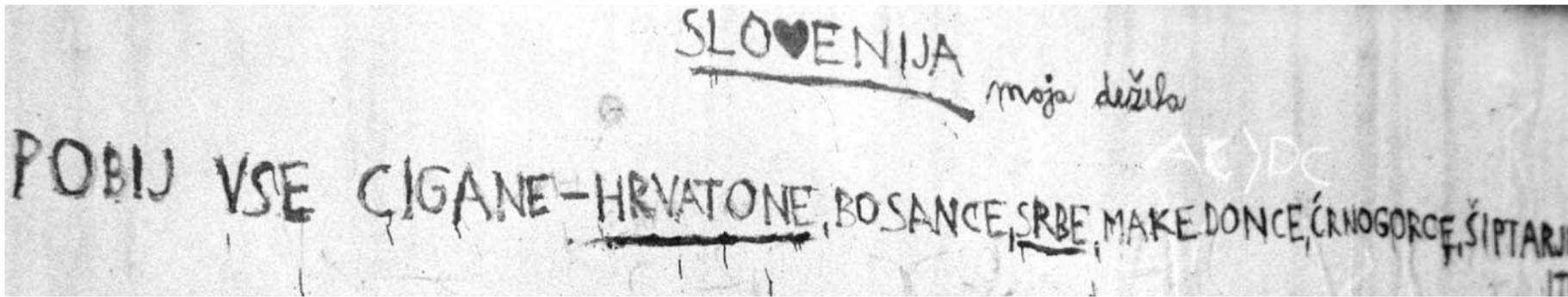
The other set of problems is more difficult to predict, since it is slightly risky, and perhaps also foolhardy, to try and predict what society's development problems will be in the future. Nevertheless, we can probably single out at least some areas that will require a different and greater involvement: social security, environmental protection, and information of all types. This last field is a technical challenge: how to ensure that the public is as well informed as possible but at the same time protect personal data. In the future, we will devote even more attention to problems relating to the broader social security of individuals, families and social groups. These are the problems of unemployment, lack of housing (and homelessness), inadequate financial social assistance, problems of social exclusion, alcoholism, drug dependency, suicide and problems of mental health and health in general. Then there are the problems of various social groups e.g. senior citizens, young people, different ethnic groups, religions, lifestyles, etc. In short, social rights, social difference and social discrimination. This trend is also indicated by the imminent European Convention on Human Rights and the European Social Charter. Besides the protection of social rights, our work will be dictated in the future by the problems of intolerance and discrimination in other spheres. These will probably be problems that the international community is also dealing with, and in this way it will also set the tone for our work. ■



Speech of the Human Rights Ombudsman Matjaž Hanžek in Parliament

The never-ending story of intolerance

AN EXHIBITION OF ACTS OF HATRED DIRECTED AT VARIOUS GROUPS OF PEOPLE FROM INDEPENDENCE TO THE PRESENT DAY



Graffiti: Slovenia my country / Kill all the Gypsies, Croats, Bosnians, Serbs, Macedonians, Montenegrins, Albanians, etc.

Intolerance and hatred are not merely actions and emotions that can be understood as part of the human being's inner life, to which each one of us is entitled. Both attitudes, as soon as they are converted into social actions, have consequences of varying degrees of seriousness for the people against whom these actions are directed. As the result of a word, a humiliating attitude, disdainful behaviour, expression of repugnance, physical assault, expulsions and similar actions, the people who are subjected to such behaviour have fewer possibilities of a dignified existence and of conserving their personal dignity. Every social act of hatred or intolerance has harmful, sometimes destructive consequences for real people. Let us list just a few cases:

1. **We cannot say that the Roma are lazy** and that they are dangerous criminals and at the same time demand of them that they get jobs and stop exploiting the state. Who is going to employ them if he believes that they are lazy and criminally inclined?
2. **When the big global corporations advertise their products** on giant billboards in the countries of the Middle East and Far East and portray the West as a place of freedom, opportunity and perfect people, they do not only stimulate desire for these products, they stimulate desire for this freedom and these opportunities. In the desire for a dignified existence (and the standards of dignified existence are also defined by Western capital through its propaganda), entering the West illegally can seem the best solution. But these same people who were invited to spend their money on expensive products turn into criminals in these countries and end up in prisons and deportation centres. Some of these people have suffered torture and persecution in their own countries.
3. **Something very similar occurs** with the collective denial of rights. To remove the right of residence without informing the people who will be affected by the measure of its purpose, and then ten years later demand that these same people submit proof of residence in the country if they wish to have their wrongs redressed, is infamous behaviour. With the removal of the right to permanent residence, the possibilities of survival start to fall like dominoes, since a whole series of other rights - work, housing, social rights, etc. - are tied to permanent residence. Losing the right to permanent residence means losing all the other rights. How then can someone prove that they have lived in the country if they have been deprived of the right to live there?

Intolerance and hatred naturally have their own economy, both at the personal and community level, and at the level of society as a whole. In their struggle for power, political parties win votes through the deliberate and strategic stirring up of hatred towards various groups of people. In doing so they appeal above all to the **national consciousness** (The nationally conscious are those people who defend the purity of the nation and prevent every attempt to let foreign elements sneak in. The number of foreign elements increases in parallel to the thoroughness of the purity of the nation. The more we clean, the more dirt we need to remove. Foreign elements are not only foreigners but all those who deviate from the moral majority.), **patriotism** (Linked to disdain for all who do not belong in this cosy, domestic picture. Love of one's country increases in parallel with enthusiasm for belittling and persecuting "others". Patriotism is increasingly equated with hatred for "the other"), and **identity** (A Slovene is not someone who holds Slovenian citizenship but someone who manages to identify him or herself with the "nation", i.e. with the prevailing mentalities and ideologies, while these are based above all on the exclusion of increasingly large groups of people.).

The consequences of these processes are destructive. At the personal level they are reflected by people building their identity (their image of their own worth, the essence of their being, their way of understanding themselves and their place in the world) on the fact that they are different from the evil and dangerous "other". The more evil and dangerous the other, the better I am myself. When we build our sense of our own worth exclusively on demeaning and excluding the other, it is no longer possible to feel a sense of belonging to the community, since the community is ever more narrow, there are ever fewer genuine and nice people, and the rules of normalcy are increasingly strict. Without awareness of the fact that we live in co-dependence with others who are different from us, it is not possible to develop the collective values of solidarity, an open society, understanding, acceptance and justice. The narrower the social space of the permissible, the less creativity, spontaneity, personal satisfaction there is, and the fewer opportunities at

the social level. If I cannot be the kind of person I want to be, why should I allow someone else to be?

Progress at the level of the community and society as a whole is no longer possible in such conditions. A sense of superiority clouds the true picture of one's own capabilities and becomes an obstacle in the search for and definition of one's own interests and wishes. Since we no longer build identity on the questions "Who am I and how am I going to define my place in the world?" but rather on the questions "What kind of person must I be and what do they want from me?", values such as industriousness and obedience - values characteristic of a conformist society - are once again placed in the foreground. If we do not wish to deviate from the majority, we must increasingly adapt ourselves to it, since every deviation can be dangerous and could lead to exclusion.

For this reason, the growing individualism in society is above all a consequence of the growing nationalist fanning of hatred of everything that is defined as a foreign element in the national fabric of the country, since individualism in this case is an inevitable position which at the same time is the result of suppression of one's own difference, conformity to the ideal of a "pure" nation and the expression of hatred towards those "others" who are becoming ever more numerous. In such conditions friends are increasingly rare and the community of members of the group called "us" grows ever smaller. Life in such a country becomes increasingly difficult for many people.



With this exhibition we are attempting to show that such processes are increasingly present in our own society too. The saga of "the erased" has shown that a contribution to this has been made by the prevailing discourse about the nation, from independence onwards, where one section of the public has built the new State on the ideology of the nation, rather than simply on the formal form of "the state". By talking about Sloveneness and citizenship rather than about Slovenia as a state, they have encouraged the process of a search for identification models, with the image of the proper, genuine Slovene, and have raised citizenship from being a simple document to something that belongs in the realm of the sacred.

The exhibition limits itself to the period from Slovenia's achievement of independence to the present day and draws attention to an intensification of hatred that did not gain a true momentum until after 2000. Homosexuals, Africans, people from the former Yugoslav republics have been the targets of attacks and expulsions every year since independence. Since 2000, they have been joined by other groups of people, in particular Roma, single women, single mothers and their children, Muslims and others. Besides the chronology, the exhibition also illustrates the different contextual spheres through which intolerance is expressed.

The exhibition will be open to visitors at the Ethnographic Museum from 9 to 26 December 2004.

■ Dr Vesna Leskošek