



REPUBLIKA SLOVENIJA

KABINET PREDSEDNIKA VLADE

ADDRESS

**BY THE PRIME MINISTER OF THE REPUBLIC OF SLOVENIA, JANEZ JANŠA,
AT THE OFFICIAL CEREMONY TO CELEBRATE HUMAN RIGHTS DAY**

Ljubljana, 10 December 2007

*Madam Ombudsman,
Mr President of the National Assembly,
Excellencies,
Ladies and Gentlemen,*

Independent Slovenia is founded on human rights. In 1988, the notion of human rights circulated throughout Slovenia. These were words that "flooded" Slovenia at that time. This notion was the key concept of the "Slovenian Spring". All democratic alliances emerging at that time and all movements emerging in Slovenia at the end of the eighties embraced human rights as the essence of their political programmes. Even a number of the then official single-party politicians started to use this language; some even joined human rights movements. It was indeed human rights that, at the end of the eighties, changed the course of political history in these parts, from Triglav to the Pannonian Plains and the Adriatic. Today, this legacy is also one of essential aspects of our constitutional order. Regrettably, this was not the case before.

The theme of this evening is lost memory. The lost memory of individuals, families, and of the thousands and tens of thousands of our compatriots who were subjected to suffering in the second half of the previous century. Because the state that emerged after World War II, of which Slovenia was a part, was not founded on respect for human rights; from its very beginning, it was indeed founded also on the violation of human rights.

We celebrate Human Rights Day because on 10 December 1948 the General Assembly of the United Nations adopted and proclaimed the "Universal Declaration of Human Rights". This Declaration states: "All human beings are born free and equal in dignity and rights; they are endowed with reason and conscience and should act towards one another in the spirit of brotherhood. No distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs. Everyone has the right to life, liberty and security of person. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No one shall be subjected to arbitrary arrest, detention or exile. Everyone has the right to own property alone, as well as in association with others. Everyone has the right to freedom of thought, conscience and religion. This right includes the freedom of the individual to change his or her religion or belief, and the freedom, either alone or in community with others and in public or private, to manifest his or her religion or belief. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Everyone has the right to freedom of peaceful assembly and association. No one shall be arbitrarily deprived of his or her property." There are many more other rights enshrined in the Universal Declaration of Human Rights as fundamental human rights.

However, the very year in which the General Assembly of the United Nations was in the process of adopting and proclaiming this Declaration – an event that we consider to be the beginning of a new world order that is, or

should be, founded on respect for human rights – here in the area of today's Slovenia and where Slovenia was at that time as well, not independent, but part of the then Yugoslav state, the head of the political police in Slovenia wrote in his report that UDBA had arrested 6,985 people in Slovenia in 1948. Not for conventional criminal offences but for political offences – whatever might have been considered to be political offences at that time. The following year, when civilised, democratic countries were in the process of introducing the tenets of the Universal Declaration of Human Rights into their respective legal orders, the number of those arrested by UDBA in Slovenia rose to 8,762.

All this was happening after those years in which Slovenia had already endured mass killings without court trials, concentration camps, torture, relocation, forced deprivation of property, show trials and forced collectivisation. Repression intensified as the end of the war was moving further into the past. This repression had no foundation and no legitimacy in resistance against the occupying force. For its victims were all and sundry, it was the revolution, it was class cleansing. Its victims were also some former partisans, Andrej Bohinc and Igor Torkar, for example. The intellectuals took the hardest blow. Then followed a poor economic situation, the economy in tatters, extortion. There are no accurate data available on how many people emigrated from Slovenia in the first years after the war – estimates range between fifty and a hundred thousand. However, the data on how many people left Slovenia between 1955 and 1990 are significantly more accurate. The number is terrifying – 210,000. For a nation barely numbering two million inhabitants – the number was then closer to one million than two – this is a huge number. Some of those who left Slovenia have come back; many have remained abroad. Those who left were courageous, intelligent and upright people who dared to take a risk; regrettably, they put their energy and knowledge to use in foreign countries. They were creating a better life for themselves, but even more so for others, from South America to Canada and Australia. It is true that the situation later improved, but a price was paid in terms of what I have just enumerated.

Nevertheless, the regime that founded itself on the violation of human rights preserved certain segments of the violation of rights till its end, not only in practice but also in its standards. As recently as 1985, a people's militia manual was published by the authorities, imposing on policemen – called militiamen at the time and whose basic task was to protect people and property, and ensure the public order and safety – the task of collecting data on those who criticised the regime as one of their fundamental duties. In 1985! Many militiamen, or policemen, were reluctant to do this, which was seen as a violation of their responsibilities. On 19 July 1989, the SFRY presidency adopted guidelines for a state of emergency. These guidelines were published in a secret Official Gazette and never made public until independence. And they had the status of a binding instrument. If a state of emergency had been declared, some measures would have been taken that would have included camps and repression of the kind the regime exercised immediately after the Second World War.

However, these were the last steps of their kind. Resistance was hardening, and the Slovenian Spring was blossoming in Slovenia at that time. Resistance was also hardening within the system itself, particularly at its margins. The threat that the violation of human rights might remain as one of the standards used to discipline the society in which we lived at the time ultimately ceased to exist when Slovenia became independent in 1991. When Slovenia became independent and when it enshrined human rights in its new and modern Constitution among the fundamental standards for mutual regulation of life in society in the independent Slovenian state, human rights did not cease to exist, neither was the threat of their violation fully eliminated.

Even today, in a Slovenia that bears none of the hallmarks of the post-war era, either in its laws or in practice, we encounter the violations of human rights defined in the Universal Declaration of Human Rights. Even today, there are many Slovenians who do not have access to justice in real time. I am speaking of court backlogs. For if someone has been wronged and if there are instruments made available to him or her by the state in order for this wrong to be redressed, this possibility must be accessible in real time. And not only after matters have taken their own course and may have become impossible to redress. In all the years of living in the independent state, we have not yet invented a system of justice capable of administering justice in real time and without backlogs.

This is one of the key tasks to be addressed by the Slovenian state in the future. Human rights are also violated wherever there is social exclusion, poverty or an unequal starting point in life. The state can take care of these problems in part, but not in full. This is a task for us all. It is only with a measure of general inter-human solidarity that we can minimise these violations of human rights.

Whenever human rights have been discussed in past years, two categories have most often been mentioned – the Roma and “the erased”. In both cases, there are examples of human rights being violated, but we have to be fair at this point. When Slovenia gained its independence, no one was refused citizenship or the possibility of acquiring any other status in the emerging Slovenian state in accordance with the adopted legislation. In the period following Slovenia’s independence, more than 200.000 persons, I believe, who had permanent residence in Slovenia and who wanted it, were granted Slovenian citizenship. There are not many such cases in comparable situations. It is true, however, that some people found themselves in special circumstances at that time, being unable to acquire such status either because they had problems with obtaining personal documents due to the Balkan war or because other circumstances prevented them from doing so. The Slovenian state is obliged to correct such injustices in each individual case if these injustices were actually committed. However, the Slovenian state is not obliged to grant citizenship retroactively to those who did not want it. At this point, it is necessary to make a distinction between the violation of human rights and the possibility that people have and can make use of but choose not to. This Government has submitted a constitutional law to the National Assembly for debate and adoption that tackles this problem in such a manner that individual judgement is possible. If this constitutional law is adopted, it will provide state institutions with all instruments for actually redressing every injustice that has been committed in this area. However, in order to obtain these instruments, we first need the necessary support in Parliament and the adoption of this law.

As for the rights of the Roma in Slovenia, these rights are a constitutional category. The Constitution, about which I spoke before – we adopted this Constitution in 1991, stipulates that in order to protect these rights and to regulate the status of the Roma community, a special law needs to be adopted. Fifteen years passed before Slovenia finally obtained this law. It obtained it recently, in this term of office. This law provides a good basis for addressing, exercising and asserting the rights of the Roma community in Slovenia in such a way that no conflicts are caused and that the cultural identity of the Roma is preserved. There are not many countries, or if I put it otherwise, there are many countries in Europe and in the European Union, of which Slovenia is also a member, with a significantly larger Roma population than Slovenia, but practically none of them have yet adopted a special law regulating this area. This does not mean that there is nothing else to be done, but it means that things must be considered from a balanced and comparative point of view. Let me also mention that in the first half of next year, when Slovenia will be holding the Presidency of the European Union, specifically the Council of the European Union, the European Commission will for the first time assess the status of Roma communities in the Member States, and this will be discussed at one of the meetings of the Council of the European Union, which is expected to be in June next year. This has never happened before. So, the situation is far from Slovenia trying to avoid dealing with this problem.

Human rights today, or the respect for human rights today, involves everything that we are doing or what we should be doing to redress certain injustices from the past. There are backlogs in this area, too. Not so long ago, a special government commission found many documents in the archives of the Slovenian Intelligence and Security Agency which should not have been there. They should have been in the Archives of the Republic of Slovenia because they enable injustices committed on many individuals to be redressed, but they had not been submitted to this institution. In the spring of this year, more than five thousand personal files, some of them files on political prisoners and perhaps also files on many of you, were found accidentally in the archives of the Ministry of Justice. The handover never occurred. Despite the fact that this was regulated by law, these files were never submitted to the Archives of the Republic of Slovenia. Many people tried in vain to find data there on the basis of which they could assert their rights, but they were told that such data did not exist. But the data did exist; the documents were in a bookcase identified, I believe, as “data on garages”.

In short, even with these things, there is still much to be done. And, finally, I believe that the deadline for amending the Victims of War Violence Act set by the constitutional court expires today. Unfortunately, this law cannot be adopted because of ideological blockades. Because every debate on this issue turns into a cultural struggle, and because whenever someone wants to do something here, this immediately provokes debate in the Slovenian public arena which is in no way related to this issue.

Slovenia is part of the European Union and part of the entire world, and of course, human rights are universal. If we look around the world, we realise that despite everything we still belong to the lucky minority living on the safer and wealthier side of the planet. On Saturday and Sunday, I participated in the EU-Africa Summit. There were also 53 colleagues from African countries in attendance. I spoke with many of them. It is difficult for us to imagine that in many African countries, as well as in other parts of the world – but above all in African countries – people live and survive on an income that the average Slovenian citizen generates in three days. The ratio of the national income per capita in Slovenia to the national income per capita in Madagascar, for example, stands at 100:1. What an average worker in Madagascar earns in one year, an average Slovenian earns in three days and a half. Not just thousands of people, but tens, even hundreds of millions of people around the world suffer from poverty, disease, marginalisation and a lack of basic living conditions.

In past years, Slovenia has received several serious warnings implying that Slovenians are too introverted and unable to look around the world, and therefore fail to see the situation there, and that it is for this reason they do not engage sufficiently in international activities, such as international development assistance or world solidarity. This is partly true, and the outgoing president of the state should be given credit for having drawn attention to this fact. His contribution in this direction has been valuable.

In the future, Slovenia will provide greater development assistance to the poorest countries, within its capacities to do so. We will have great difficulty in building from within the society of responsible individuals, who are aware of human rights, even in our mutual relationships, if we are not sensitive to respect for human rights around us.

Ladies and Gentlemen,

This evening is an evening for searching for the lost memory of individuals, whole families, tens of thousands of people, generations, who in the second half of the 20th century suffered a great deal in these parts. I would like to offer an apology and recognition to all those who are still alive and can hear me today. I wish that each and every citizen of Slovenia would stand behind these words. What they did to you was wrong; you were right. Those who passed judgements and persecuted you did wrong.

Ladies and Gentlemen,

I do not know whether it is possible that anyone at all remains untouched by the enormous suffering which Slovenia and a great part of the nation faced in the second half of the previous century. But I do know that society, which cannot define – not only in the constitution but also in terms of culture – human rights standards for yesterday, for today as well as for tomorrow will always have issues with itself. Or, if you want me to be more specific: It is not possible to idolise icons and monuments to certain heroes who are directly responsible for drastic violation of human rights, and at the same time to expect younger generations to accept and respect human rights as part of their personal posture and general culture. This evening is also important in this respect. Thank you for sharing it here with me. We need to make today's generations, as well as future generations, aware of this lost memory. This is our duty; if we fail in it, we risk that these generations sooner or later may become victims of the history that repeats itself.

Thank you.