

## Article

# Legal Framework for Social Infrastructure for Social Integration of the Roma and Their Preferences: Case of Slovenia

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**Abstract:** The EU and its Member States share responsibility for improving the living conditions and integration of the Roma into society. When developing systemic solutions to address the challenges of the Roma population, the first thing to do is to provide them with a suitable living environment. A suitable living environment for vulnerable social groups includes social housing adapted to their needs and preferences as part of the social infrastructure. In the first, theoretical part, this paper explores the existing international, EU, and Slovenian legal framework for addressing the housing needs of the Roma community. In the second, empirical part, the preferences of the members of the Roma Community regarding the type and architecture of housing, and their financial capacity regarding the type and location of accommodation are examined through a survey that was conducted in the Roma settlement “Kerinov Grm”. The research paper gives answers to the following research questions: (1) what are the preferences of the inhabitants of Roma settlements regarding the type of housing and architecture? (2) how to provide adequate housing for members of the Roma community? and (3) do the Roma take advantage of the available free non-profit housing, and if not, why? The survey shows a very low level of satisfaction with living in Roma settlements, which, in combination with the growing population, limited possibilities for settlement expansion, and specific housing preferences, poses a unique challenge to the state and local communities.

**Keywords:** social infrastructure; Roma; Roma settlements; social housing; EU law; constitutional law



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## 1. Introduction

The Roma are the largest ethnic minority, with an estimated population of 10–12 million, of whom around 6 million live within the European Union (EU) Member States. Despite limited progress in Roma inclusion in the last 10 years, the situation of this ethnic group is still worrying: there are still 68% of Roma who leave education early, and almost a quarter of them have no national health insurance. Due to inadequate and segregated housing, housing conditions remain difficult. A third of Roma households do not have tap water, and just over half have an indoor flush toilet or shower. According to the data, 78% of Roma live in overcrowded households. Although the number of cases of discrimination against Roma has decreased slightly and the general population is increasingly accepting of Roma, antigypsyism and hate crimes as well as the trafficking of Roma women and children remain a major concern (European Commission 2019, 2020).

At the EU level, the need for Roma integration has been highlighted in the last decade, especially after the accession of new Member States (Sayan 2019). The EU and the Member States have a shared responsibility to improve the living conditions and integration of Roma into society. To achieve these goals, building a good social infrastructure for this ethnic group is of utmost importance. The European Commission (2011) called on Member

States to adopt national Roma integration strategies and adopted the EU Framework for National Roma Integration Strategies up to 2020. Its main objective was to tackle the socio-economic exclusion of Roma in the EU and in the candidates for EU membership. The [Council of the European Union \(2013\)](#) adopted the recommendation on effective measures for Roma inclusion in the Member States, which provided guidance to Member States on how to strengthen the implementation of national strategies and how to design effective measures to ensure equal access to education, employment, health, and housing. Both documents indicated that Roma inclusion is a priority for the EU and the Member States. The same has also been reflected in the mobilisation of EU political, legal, and financial instruments. Therefore, the construction of social infrastructure for Roma is of priority importance. While the previous strategic framework focused primarily on socio-economic integration ([European Commission 2011](#)), the current policy framework complements the socio-economic integration of marginalised Roma by promoting equality and participation. It emphasises that all Roma should have the opportunity to realise their full potential and to participate in political, social, economic, and cultural life. Nowadays, the creation of the Union of Equality has become one of the top priorities ([European Commission 2020](#)).

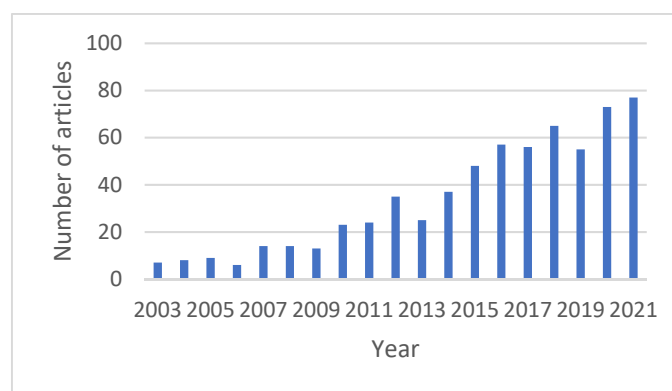
The [Council of the European Union \(2021\)](#), by adopting the Recommendations on Equality, Inclusion, and Participation of Roma, recommended that Member States adopt National Roma Strategic Frameworks by September 2021 and send them to the European Commission as part of their broader social inclusion policies. The basic purpose of these policies is to ensure adequate living conditions, which are guaranteed through several rights that are guaranteed to individuals by national and international law. The Republic of Slovenia implemented the [Council of the European Union \(2021\)](#) recommendations by adopting the National Programme of Action for Roma 2021–2030 ([Government of the Republic of Slovenia 2021](#)). This programme is a programmatic document aimed at setting out the main objectives and basic measures for improving the socio-economic situation of the Roma community and its members, creating conditions for improving the social inclusion of members of the Roma community, and the empowerment and strengthening the participation of members of the Roma community in processes to improve their quality of life and achieve full inclusion and equality in Slovenian society.

When developing systemic solutions to address the challenges of the Roma population, the first thing to do is to provide them with a suitable living environment. A suitable living environment for vulnerable social groups includes social housing adapted to their needs and preferences as part of the social infrastructure. Social infrastructure includes facilities or services in the absence of which a community is at a significant socioeconomic disadvantage compared to those communities that have access to them ([Freisfeld 2016](#)). It comprises buildings, facilities, and installations to serve the whole community, as well as all uses and activities that contribute to a higher quality of living ([Drobež and Bogataj 2022](#)). In the context of providing solutions for the Roma population, both hard infrastructure and soft infrastructure must be considered. Hard or physical infrastructure refers to the physical networks, facilities, and installations, whereas soft or institutional infrastructure comprises all the institutions we need for the functioning of the economy, health and social welfare, and other cultural and social institutions. The physical part of social infrastructure consists of tangible assets, such as social housing units. In contrast, soft social infrastructure comprises intangible assets, such as social security, LTC networks, government agencies, research institutes, insurance, and other support services and networks that provide social security and informal networks ([Freisfeld 2016](#)).

Hard and soft social infrastructure contribute significantly to the realisation of the right to adequate housing, which is a universal right recognised by international and European declarations, treaties, and national constitutions, including the Constitution of the Republic of Slovenia ([National Assembly 1991](#)). However, the majority of Roma people in Central and Eastern European countries have restricted access to adequate housing due to low income and the low availability of designated social housing, and the situation has even worsened due to their segregation in separate neighbourhoods ([Méreiné-Berki et al. 2021](#)).

Several authors observed the negative effect of poor housing conditions on the health of the Roma (Sepkowitz 2006; Vozarova de Courten et al. 2003). This also has a detrimental effect on their integration and is destructive to the social cohesion and well-being of European societies (Molnár et al. 2012). In the EU, housing is the policy with the fewest examples of promising approaches common to several countries (Korver 2020).

Data and comparisons of the welfare status of Roma communities in individual Member States can be found on the websites of various EU institutions (Roma in the EU n.d.). The growing number of articles published on the topic of housing for members of the Roma community is presented in Figure 1, showing the growing interest of researchers in this field.



**Figure 1.** Publication dynamics of articles dealing with topics “Roma” and “Settlements” in WoS-indexed journals (source: the data, found on the Web of Science, were elaborated by the authors).

The EU needs to facilitate political debate on the Roma issue at the highest level so that Member States can encourage each other to develop innovative social policies and use more of the available resources in a way that also benefits Roma. However, this does not mean that these EU initiatives and instruments can be presented as “ethnic policies” that separate Roma from other European citizens (Vermeersch 2012). The improvement of the living standards of Roma can only be the result of a longer process and the active participation of the minority and the majority population (Bežovan 2011).

In Slovenia, the Roma settled permanently in rural areas. Their settlements, which are mostly located in a separate part of a larger (non-Roma) settlement, have expanded significantly since the second half of the last century. This rapid expansion is still ongoing. In cases where a Roma settlement is an independent settlement, this enables the collection of reliable, official demographic, social, health, and research data that allow further planning and development of the social infrastructure for Roma inhabitants. Due to their purposes, Roma settlements can be regarded as a special form of social infrastructure. The individual local authorities that have taken steps to legalise Roma settlements have, through the purchase of illegally settled farmland, the conversion of agricultural land into building land, and the construction of public utility infrastructure (roads, water, sewerage, electricity, etc.), enabled the creation of formal settlements as a specific form of social infrastructure designed to exercise the constitutional rights of the Roma community.

This paper explores the existing international, EU, and Slovenian legal framework for addressing the housing needs of the Roma community. The research paper gives answers to the following research questions: (1) What are the preferences of the inhabitants of Roma settlements regarding the type of housing and architecture? (2) Do the Roma take advantage of the available free non-profit housing, and if not, why? (3) Are the States obliged to respect Roma preferences regarding the type of accommodation? and (4) How to provide adequate housing for members of the Roma community? To answer these questions, in the first theoretical part, we will examine the international and national legal sources governing the rights of Roma. In this context, we will further examine the legal and actual options of the Roma in Slovenia for acquiring suitable housing, which is part of the

social infrastructure. Emphasis is also placed on the interpretation and application of the Slovenian Constitution ([National Assembly 1991](#)), especially Article 38, which comprises the right to respect for the home, in the light of the specific situation and needs of the Roma community. In the second, empirical part, we will examine the preferences of the members of the Roma community regarding the type and architecture of housing and their financial capacity regarding the type and location of accommodation. The existence of appropriate and valid spatial planning documents is a prerequisite for the development and improvement of living conditions in Roma settlements in Slovenia. To successfully provide housing for the Roma population, it is necessary to know their preferences, population growth dynamics, and demand for specific housing units, so that future investments in the economic and social infrastructure of Roma settlements can be subject to the spatial planning documents and financial plans of municipalities. Therefore, the aim of this paper is to present research on the development of social infrastructure to achieve the equality, inclusion, and participation of the Roma population in Slovenia and other EU Member states. The novelty of this paper is a finding, that current residents of specialized Roma settlements do not want to live in segregated Roma communities or in standard social housing flats. Research findings show that they prefer to live in low-density areas. The findings regarding the distribution of preferences of the Roma population can help local policymakers to develop housing solutions for the integration of the Roma population.

## 2. Material and Methods

For the theoretical part, we relied on international and national legal sources, scholarly articles, and national and European reports about Roma communities in the EU, by using the desktop research method.

In the empirical part, to obtain answers to the question of how to provide the most suitable housing for the Roma community, we used a quantitative survey technique, which aimed to collect data from all households within the Roma settlement “Kerinov Grm”. In the last 20 years the Slovenian municipalities, while searching for housing solutions for the Roma population, developed three specialized Roma settlements: “Kerinov Grm”, “Pušča”, and “Vejar”. For the study regarding the acceptability of specialised Roma settlements, the settlement “Kerinov Grm” was chosen because that settlement was recognised as a case of good practice ([Zupančič 2015](#)). The survey was conducted in 2021 and 2022. The sample included at least one member over the age of 14 years in each household. A total of 91 persons volunteered to complete the survey, which is more than 1/3 of the total population of Kerinov Grm (279 at the beginning of 2022).

The questionnaire was designed to capture the key issues relevant to the research questions. It included questions relating to demography, living, income, and employment conditions as well as education, health, and social situations. The use of images of different types of buildings and settlements was an integral part of our methodology, as we were aware that visual representations can help respondents better understand the questions and thus improve the quality of the data collected. The questionnaire was divided into three sets, with the first set referring to current housing conditions, the second set to desired housing conditions or housing preferences, and the third set consisting of socio-demographic questions. In the survey were included 36 closed-ended questions. In the process of carrying out the survey, we encountered several important constraints that shaped our approach. Despite the widespread use of smartphones among respondents, the majority expressed reluctance to complete an e-survey, despite the guarantee of anonymity. This may be due to the high level of distrust towards non-Roma interested in the living conditions of Roma settlements. Interestingly, we also observed a certain level of mistrust towards other members of the Roma community, especially those who did not belong to the same immediate family.

Due to the limitations stated above, we decided to personally conduct the survey with individuals within households, which was very time-consuming, as each respondent spent on average about an hour and a half to fill in the questionnaire. We also involved in the

survey process a Roma councillor (a representative of the Roma population in the municipal council of Municipality of Krško) and a social worker working in the kindergarten in the Roma settlement, both of whom speak the Roma language. Their participation helped to overcome cultural and linguistic barriers and provided a translation of specific terms. Their knowledge of the families and individuals was invaluable for collecting reliable data. Although the survey was written and answered in the Slovenian language, as all the Roma population in the settlement have at least basic knowledge of the Slovenian language, some more complex terms included in the survey required an explanation to the respondents. The survey was conducted anonymously and the purpose of the survey (the collection of data on housing preferences of residents of Roma settlements for the purpose of scientific research) was explained to the participants. For further data analysis, the answers to the survey questions were entered into the application on the webpage <https://www.1ka.si/d/en> (accessed on 1 January 2023), which was developed by the Slovenian Academic Research Network (ARNES).

### 3. Development of Roma Settlements in Slovenia

Roma living in the Republic of Slovenia inhabit both urban and rural environments (Barboric et al. 2013). Historical sources on the territory of today's Slovenia mention Roma as early as the 14th century (Štrukelj 2004), and from the 17th century onwards, information about them is more frequent, and they can be found in civil registers.

It is first necessary to reject the assumption that the Roma are a single ethnic group with common characteristics, which are directly linked to the paths of settlement. The settlement of Roma in this territory followed three paths: the ancestors of the Roma living in Prekmurje came to Slovenia through the Hungarian territory, the Dolenjska group of Roma came through Croatia, and smaller groups of Sinti settled in the Gorenjska region came from the north. Although previously the population was mainly nomadic, today we can speak of rounded settlement areas in Prekmurje, Dolenjska, Posavje, and partly in Gorenjska. In these areas, the Roma are a traditionally settled population that has survived in more or less permanent settlements. The majority of Roma, who currently live in Slovenian industrial centres (Ljubljana, Velenje, Maribor), moved there during the period of intensive industrialisation in the 1970s and 1980s from the former Yugoslav republics (Jernej Zupančič 2018). Apart from their common origin in India, these groups differ in terms of the language they speak, their religion, and their degree of adaptation to the majority population. That they are a heterogenous community was also established for Roma living in Italy (Alietti and Riniolo 2021) and Serbia (Grbić et al. 2021).

The term “Roma settlement” defines spatially grouped and functionally connected aggregates of residential units with a predominantly Roma population (Zupančič 2015). In Slovenia, Roma settlements achieved a remarkable expansion in the second half of the last century. In 2007, there were over 100 settlements with a predominantly Roma population (Zupančič 2007). The main reason for the creation of Roma settlements was a change in the way of life, specifically the slow abandonment of nomadism. The transition of Roma from a nomadic to a settled lifestyle took place at a time of different socio-political arrangements and relations in society, and it is unlikely that the first family to occupy a particular site would have settled there with the explicit objection of the property owner. In addition to the fact that the social situation did not allow Roma to purchase land, one of the reasons for the unlawful usurpations certainly lies in the fact that during the socialist socio-economic and socio-political order, property rights, especially in the means of production, did not have the economic, social, and ecological functions that we know today.

While a constant income was not necessary for living a nomadic way of life, a permanent settlement requires a constant income for the construction and maintenance of apartments. At the same time, suitable living conditions are a necessary condition for entering education and vocational training, which can lead to income from work. However, the data from the field show that the majority of Roma in Slovenia live in poor socio-economic conditions—they are trapped in a cycle of poverty, passivity, and dependence on social



assistance and other forms of entitlements from public funds, and that dependence on the latter has become an accepted way of life for the majority ([Government of the Republic of Slovenia 2021](#)).

Roma settlements are in some cases formally separated settlements and, in this respect, a rounded geographical unit. But most Roma settlements are only parts of settlements where the majority population is not of Roma origin. In the vast majority, due to the lack of formalisation of the settlement, the houses do not have house numbers, or only one house has a house number, to which all the inhabitants of each settlement are registered. In terms of structure, function, and physiognomy, these settlements could be classified as slums, while from a social point of view, they are mostly ghettoised areas ([Červ 2017](#); [Pop and Vincze 2016](#)). Roma settlements can be said to be ethnically homogeneous, as they are a closed community, but in recent years, there have been several successful cases of Roma families being integrated into rural settlements with the rest of the population.

Despite the extensive literature, there is no clear answer as to the reasons and circumstances that led to the settlement in a particular area. At least for the settlements in the municipality of Krško, it appears that the emergence of today's permanent Roma settlements has been spontaneous and varied from location to location.

#### 4. The Need for Collecting Data for Identifying Minority Challenges

Minorities and socially marginalised ethnic groups often live in small communities, which are widely dispersed in rural and urban areas. Their numbers may be statistically insignificant in relation to the rest of the population. General data or large-scale surveys representing the whole population often do not help to identify minority issues or to design appropriate responses to their needs. As an example, the case of Međimurje shows that the age structure, birth rate, activity rate of the population, and the share of jobs are significantly higher than the Croatian average. At the same time, Međimurje is home to one of Croatia's largest Roma communities, ethnically homogeneous, and spatially isolated. The development indicators at the municipality level do not consider the specific living conditions of Roma inhabiting the rural periphery, which is characterised by social and spatial segregation, unemployment, and marginalisation ([Klicek and Loncar 2016](#)). To reduce life and health inequalities, it is necessary to include minority groups in surveys and to support decision-making processes affecting them ([Monasta et al. 2008](#)). Social projects require actions that are further adapted to the needs and culture of the minority community ([Gutiérrez Sánchez and del Olmo Fernández 2020](#)). Data on socio-economic status, ethnicity, health status, or gender can provide deeper insights into the planning and implementation of measures aimed at improving the life of the Roma community ([Ní Shé et al. 2019](#)).

Several governments have collected demographic data and data on the main social characteristics of the Roma population. One of the most important attempts comes from Slovakia, where information has been collected focusing on key social and economic characteristics. They have produced maps revealing the spatial distribution of Roma in Slovakia, including sub-ethnic groups, along with a classification of their settlements and infrastructure, as well as data on their educational and employment structure that are useful for social policy and action planning ([Brunn et al. 2018](#)). The Slovak experiment shows that the limitations in data collection regarding ethnic status make it difficult to present a comprehensive picture of the situation of the Roma population ([Kelen et al. 2011](#)).

Unlike in Slovakia, in Slovenia, the collection of data on an ethical basis is not allowed, and there are no exceptions to this rule. Therefore, less data is available on the Roma population living outside the formal settlements in Slovenia and it is only possible to study the Roma population at the level of the individual Roma settlement, which is a statistical unit whose population is monitored by Slovenian National Statistics. The formal designation of the settlement allows for the collection of demographic, social, and health data, provides opportunities for research that is based on credible official data, and allows for further planning of the development of the settlement. It is the formulation of formal

Roma settlements that has enabled us to study the housing needs of the settlement's inhabitants.

### 5. Factors Influencing the Development of Roma Settlements

Over the last 20 years, various studies have been carried out to explore the processes of social, spatial, or economic exclusion of the Roma community and to describe the differences between members of Roma communities (Ruzicka 2012). Part of this research also refers to legal or “para-legal” measures taken against Roma migrants living in urban settlements in Western Europe (Clavé-Mercier and Olivera 2018). In the literature, the issue of the legality of deportation measures and the actions of the Italian government is also highlighted (Hepworth 2012). In Rome, the capital of Italy, approximately 7000 Roma inhabitants face extreme housing problems and segregation (Maestri 2019). After 2007, Roma in Italy were resettled in isolated mega-camps, establishing new relations between local officials, police officers, and powerful individuals within the Roma community (Marinero 2014). Lacking water and sanitation infrastructure, Roma living in improvised settlements in Western European cities are often presented as the ultimate example of socio-spatial marginalisation and vulnerability (Rosa 2019). Inequalities of Roma to access to water are manifested in several aspects, such as adequate quality and affordability (Chaudhuri 2017; Filčák et al. 2018). The settlement of Roma in urban centres is often linked to urban regeneration processes, which also result in gentrification, which can severely undermine the situation and rights of Roma living there (Cin and Egercioğlu 2016). In Bulgaria, Roma settlements were unofficially legitimised during socialism but not formally legalised, and thus the neoliberal urban authorities were able to evict them, allowing new private amenities to develop. Many small Roma neighbourhoods were declared “illegal” and destroyed, and their inhabitants were resettled in areas without economic and educational opportunities (Ivancheva 2015).

In the literature, the development of Roma settlements was also perceived as the ghettoization and ethno-racist segregation of Roma because of cultural differences between Roma and non-Roma populations. The segregation, prejudice, and discrimination against Roma was observed even in historical multicultural surroundings, such as the Romania-Serbia border area. The authors concluded that a lack of spatial segregation, and a self-consciously multi-ethnic attitude, may not be sufficient to combat anti-Roma prejudice (Crețan et al. 2023). The social contacts with members of outsider groups are deemed to be restricted through complex psychological and group processes. It is argued that the stigmatisation of the Roma can be contributed to the fact that they are treated collectively as an inferior group—to overcome that, we should develop an understanding of the deep-rooted processes of disidentification and stigmatisation (Powell and Lever 2017). The research, conducted in Romania and the Czech Republic by interviewing the Roma and non-Roma population, has shown that Roma often want to interact and integrate with non-Roma and are thus creating bonds with them. Only the hostility of the non-Roma is the reason that such relationships broke down (Crețan et al. 2022). On the other hand, the stigmatisation of Roma due to their living in informal ghettoized settlements can also generate a form of place attachment for Roma living outside the settlements. Namely, the research conducted in Italy and France shows that Roma living outside the settlements show solidarity with Roma living within them, thereby strengthening their community belonging (Maestri 2017).

Factors influencing the life expectancy of Roma are also important for the study of the development of Roma settlements. Some factors show that, on average, members of the Roma community have a shorter life expectancy. Research on the health status of the Roma community has shown that the Roma have poorer access to health care, education, and employment in all countries in which they live compared to the majority population (Parekh and Rose 2011). Unhealthy lifestyles among Roma in Slovakia, such as smoking and physical inactivity, contribute to inequalities in cardiovascular morbidity and mortality compared to the majority population (Babinská et al. 2014; Jarcuska et al. 2013; Kolarcik et al.

2010). Similarly, a Hungarian study found that premature mortality among Roma exceeded the national average mortality rate by 25% due to mortality from diseases of the circulatory system, by 22% due to mortality from cerebrovascular disease, and by 28% due to mortality from hypertensive diseases (Boruzs et al. 2018). The Roma population also had a higher prevalence of metabolic syndrome and obesity than the non-Roma population. The Roma population was more frequently diagnosed with kidney disease. Serological markers of *Toxoplasma gondii* and *Toxocara* spp. infection were observed much more frequently among Roma than non-Roma (Macejova et al. 2020). Roma adolescents reported more accidents and injuries and more frequent use of health care services (Kolarcik et al. 2009). Other health risks mentioned in the scientific literature include forced marriages (Villacampa and Torres 2020), prostitution, and child trafficking (Vidra et al. 2018). Additionally, the survey for Slovenia (Nacionalni inštitut za javno zdravje 2018) showed a significant difference in the observed indicators between the Roma and the majority population and a significantly shorter average life expectancy of the Roma population. However, it also showed that the health status of the Roma groups in Slovenia varies considerably. Given the statistically significant differences in the indicators between the regions where Roma live, in favour of the Roma in Pomurje, it can be concluded that better housing conditions, better developed social infrastructure, better integration into the environment and wider society, and acceptance by the majority population also have a positive impact on the health of members of the Roma community in Slovenia.

On the other hand, demographic factors also influence the development of Roma settlements. Roma inhabitants in Slovakia start their sexual life earlier and have unprotected sex more often, but on the other hand, they seem to be much more reserved in terms of the number of sexual partners compared to the majority population (Babinská et al. 2017). Roma women have a higher total fertility rate, which means that the number of live births per woman of childbearing age is much higher than for non-Roma women, and early marriage is much more common among them (Sedlecky and Rašević 2015). The reasons for this may be various, related to the need for labour within a Roma family, and linked to strong parental authority (Aisa et al. 2017). Alternatively, it may be due to the measures envisaged to increase fertility in each country in the form of social transfers, paid parental leave, and child benefits, which are often the only source of income for many Roma families (Šlezak and Belić 2020). A comparative study on the prevalence of teenage pregnancies among adolescent girls and abortion rates in EU Member States was carried out to assess the association between the Roma origin of mothers and the prevalence of teenage pregnancy. The results showed a significant correlation between the proportion of the Roma population and adolescent pregnancies in EU Member States. The increasing trend of preterm birth is much more pronounced in the countries of South-Eastern Europe, which also have the highest proportion of the Roma population. The average number of teenage pregnancies in the countries with the highest proportion of Roma was 5.6 times higher than the average for those with the lowest proportion of Roma. The highest proportion of mothers under 20 years of age was in Romania, at nearly 10% (9.8%), and in Bulgaria, too (9.5%). Bulgaria (4.7%) and Romania (2.5%) have the highest proportion of Roma population in Europe. The relationship between the adolescent fertility rate and the proportion of the Roma population shows a significant positive correlation (Kamburova et al. 2019).

## 6. The Legal Framework for Providing Access of Roma to Housing

### 6.1. International Conventions

The rights of the Roma community are protected by the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly 1969), the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (General Assembly 1992), and the Framework Convention for the Protection of National Minorities (Council of Europe 1998). The latter was ratified by the Republic of Slovenia in 1998 (National Assembly 1998). Given that the Framework Convention does not define the concept of a national minority, the Slovenian Government



submitted a written declaration to the Secretary-General, stating that its provisions will also apply to members of the Roma community living in the Republic of Slovenia (Council of Europe n.d.). Furthermore, the European Charter for Regional or Minority Languages (Council of Europe 1992) provides protection also for languages without a territory or for non-territorial languages, including the Roma language. In Slovenia, the commitment to the protection of the Romani language is clearly stated in Art. 4 of the Act Ratifying the European Charter for Regional and Minority Languages (National Assembly 2000).

In addition to the protection of collective rights, which guarantee the protection of the Roma community as a community with specific ethnic characteristics, international legal instruments require respect for the human rights of every individual, regardless of race, gender, language, religion, or national or ethnic origin. Article 8 of the European Convention on Human Rights (Council of Europe 1950) protects the right of respect for private and family life and also places positive obligations on the state regarding respect for private or family life and the home (European Court of Human Rights 1985). However, in socio-economic matters such as housing, the margin of appreciation available to the state is wide since the national authorities are in a better position to carry out an assessment of the priorities in the context of the allocation of limited state resources (European Court of Human Rights 2003).

In the case law of the European Court of Human Rights (the ECHR), special attention is given to the vulnerable and disadvantaged position of the Roma population. The needs of Roma and their different lifestyles should be considered both in the relevant regulatory planning framework and in reaching decisions in particular cases (European Court of Human Rights 2001, 2004). The state should provide the Roma with assistance to be able to effectively enjoy the same rights as the majority population (European Court of Human Rights 2007). In the context of Article 8, the specificity of Roma as a social group and their needs have been considered one of the relevant factors in the assessment (European Court of Human Rights 2012). However, in the context of the State's positive obligation to provide access to basic utilities to a socially disadvantaged group, the court finds a violation of Article 8 of the European Convention on Human Rights (Council of Europe 1950) only if persistent and long-standing lack of access to such goods has adverse consequences for health and human dignity, effectively eroding core rights under Article 8 (European Court of Human Rights 2020).

The right to adequate housing is included in Art. 31 of the European Social Charter (Council of Europe 1961), and Slovenia is one of the few signatories of the European Social Charter that has also declared itself bound by Article 31 (Council of Europe 1961). The right to a standard of living, which is closely connected to the right to adequate housing, is mentioned in the first paragraph of Art. 11 of the International Covenant on Economic, Social and Cultural Rights (General Assembly 1976). Under these international conventions, the state has a duty to provide legislative, administrative, and financial measures to prevent homelessness and forced evictions and to ensure legal security of tenure (through ownership, renting, and other forms) (UN Habitat 2009). The criteria for determining the adequacy of a dwelling are also set out in the Habitat III Issue papers (United Nations Conference on Housing and Sustainable Urban Development 2017), (a) security of tenure; (b) availability of services, materials, facilities, and infrastructures; (c) affordability; (d) habitability; (e) accessibility; (f) location and (g) cultural adequacy. In the context of national minorities such as Roma, it is important that a dwelling is not adequate if the expression of cultural identity is not respected and considered.

Recommendation Rec(2005)4 of the Committee of Ministers to Member States on Improving the Housing Conditions of Roma and Travellers in Europe (Council of Europe 2005) is also relevant for understanding the rights and duties related to the provision of adequate housing conditions for members of the Roma community. Measures should enable Roma to obtain their own accommodation, as well as the provision of adequate accommodation in the form of social housing, cooperatives, do-it-yourself accommodation, living containers, and other innovative forms of accommodation. It is recommended

that the authorities make every effort to resolve the unregulated legal status of Roma settlements.

## 6.2. EU Law

After the European Union welcomed new Member States from Central and Eastern Europe, a debate on the integration of Roma living there started at the EU level (Sayan 2019). The EU and the Member States share responsibility for improving the living conditions and integration of the Roma. This is important since the process of education and social policy-making and the improvement of equality and non-discrimination legislation contribute to the re-establishment of equality beyond the boundaries of national policies (Alexiadou 2017).

An important step against discrimination against the Roma was the adoption of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (Council of the European Union 2000). Under Article 3(1)(h) of this directive, Member States are required to give the Roma, as any other EU citizen, non-discriminatory access to housing. The Court of the European Union (ECJ) has already decided a case concerning the practice of a Bulgarian supplier of electricity, which installed the electricity meters in districts with mostly inhabitants of Roma origin at a height of between six and seven metres, whereas in the other districts, the meters installed were placed at a height of 1.70 metres, usually in the consumer's property. The ECJ decided in case C-83/14 that the supply of electricity is covered by Article 3(1)(h) of Directive 2000/43 and that the assertions of the electricity supplier, that Roma perpetrated most of the damage and unlawful connections on electricity meters, suggest that its practice was based on ethnic stereotypes or prejudices. The ECJ, therefore, ruled that such practice, if it has been introduced and/or maintained for reasons relating to the ethnic origin common to most of the inhabitants of the district concerned, constitutes indirect discrimination. Such practice can, due to its offensive and stigmatising nature, also be regarded as indirect discrimination (European Court of Justice 2015).

The EU has recognised the need to integrate the Roma community by using soft-law institutes. Over the last 10 years, a major step forward has been made with the adoption of the following key documents:

- (1) Framework for National Roma Integration Strategies up to 2020 (European Commission 2011),
- (2) EU Roma strategic framework for equality, inclusion, and participation for 2020–2030 (European Commission 2020),
- (3) Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States (Council of the European Union 2013), and
- (4) Council Recommendation of 12 March 2021 on Roma equality, inclusion, and participation (Council of the European Union 2021).

Under the first and third soft-law instruments mentioned, the three most important measures for the inclusion of the Roma are (1) ensuring access to public utilities and infrastructure for housing, (2) eliminating spatial segregation and promoting desegregation, as well as (3) promoting non-discriminatory access to social housing (Korver 2020; Council of the European Union 2013). The second soft-law instrument stipulates that by 2030, the gap in housing deprivation (Roma 61%, general population 17.9%) should be reduced by at least one-third, the gap in overcrowding should be cut by at least half (Roma 78%, general population 17.1%), and at least 95% of Roma should have access to tap water (European Commission 2020). According to the fourth soft-law instrument, Member States should ensure equal treatment of Roma people in access to adequate desegregated housing and essential services. Respective measures should include measures to ensure equal access to housing assistance and to take into account the specific needs of individuals and families, measures to ensure access to essential services and physical infrastructure as well as measures to support and strengthen the public authorities generally responsible for housing (Council of the European Union 2021).

The EU Framework for National Roma Integration Strategies up to 2020 (European Commission 2011) was the first EU initiative on Roma to include a follow-up mechanism. The first Communication (European Commission 2012), in which the documents submitted by the Member States were assessed, was followed by the European Commission's annual reports on Member States' progress on Roma inclusion (European Commission 2013, 2014, 2015, 2016, 2017, 2018, 2019). The European Commission's reports on Member States' progress on Roma inclusion cover all key areas in detail for each year. The 2019 report (European Commission 2019) shows that improving housing is the policy with the fewest examples of promising approaches that would be common to several countries. It also assesses that this is an area where a long-term and integrated approach has proved particularly important.

Access to adequate housing is included as a right in the European Pillar of Social Rights (European Commission 2021). Furthermore, the Charter of Fundamental Rights of the European Union (European Parliament 2012) states in Article 34(3) that, to combat social exclusion and poverty, the EU recognises and respects the right to social assistance and housing assistance to ensure a decent life for all those who lack sufficient resources, in accordance with the rules laid down by EU law and national laws and customs.

### 6.3. Slovenian Law

#### 6.3.1. The Legal Status of the Roma Ethnic Community and Available Funding

The beginnings of the regulation of the legal status of the Roma on the territory of Slovenia date back to 1989, when the Constitutional Amendment LXVII to the Constitution of the Socialist Republic of Slovenia (Assembly of the Socialist Republic of Slovenia 1989) provided that the manner of exercising the special rights of the Roma shall be regulated by law. The legal basis for the regulation of the status of the Roma ethnic community in the Republic of Slovenia is laid down in Article 65 of the Constitution (National Assembly 1991), which provides that the status and special rights of the Roma community living in Slovenia shall be regulated by law. Although the constitutional foundation for protective measures exists, it is evident that the situation of the Roma, due to their specificity, cannot be equated with the situation of the Italian and Hungarian ethnic communities in the Republic of Slovenia. When the Constitution was being drafted, two different views had already emerged on the regulation of the specific protection of the Roma community, especially in comparison to the constitutional protection enjoyed by the Italian and Hungarian national minorities. In 1993 the National Assembly obliged the Government to draw up a special "Roma law" that would comprehensively regulate the situation and give special rights to this community (National Assembly 1995). Although this was a positive step in the direction of facilitating positive discrimination, the Committee on Internal Policy and Legislation of the National Assembly of the Republic of Slovenia took a different view, that the matter should be regulated in sectoral legislation (Government of the Republic of Slovenia 2006). Art. 65 of the Constitution (National Assembly 1991) was subsequently realised by the adoption of the Roma Community in the Republic of Slovenia Act (National Assembly 2007). However, this law does not define the specific rights of the Roma community but only defines the specific areas in which the specific rights of the Roma community are to be further defined and implemented. The special rights of the Roma are partially regulated in sectoral legislation, such as the Kindergartens Act (National Assembly 1996b) or Basic School Act (National Assembly 1996a). From a constitutional law point of view, it remains an open question whether such partial regulation of the special rights of the Roma community fulfils the constitutional demands. According to the Constitution (National Assembly 1991), the law should not only determine the special rights of the Roma community but also determine its status, which includes, among other things, the determination of the areas in which these rights are recognised, as well as the other conditions that must be met in order for these special rights to be recognised (Zakrajšek 2002). Additionally, the Ministry of Environment and Spatial Planning (Urad za narodnosti 2017), while seeking solutions to improve the situation of the Roma community, notes that it is necessary to specify the rights conferred

on the Roma community and its members in a single legal act. The approach, according to which the rights of Roma are dispersed by sectoral legislation, was also criticised as a means of devolution, thereby relieving the government of its responsibility (Lane and Smith 2021).

The Roma have already faced resistance from local communities in exercising their constitutional rights. One of the first specific rights of the Roma community, established under the authority of Article 65 of the Constitution (National Assembly 1991) was the right of effective participation in the management of public affairs through participation in representative bodies of local authorities. The right to participation is also protected by the Framework Convention for the Protection of National Minorities of the Council of Europe (Council of Europe 1998). This convention was a legal foundation for the framework for minority self-governance in the states which ratified it, such as Hungary (Schafft and Ferkovics 2018). The Local Self-Government Act (National Assembly 1993) stipulated in Article 39(5) that: *'In areas inhabited by an indigenous Roma community, the Roma shall have at least one representative on the municipal council'*. Slovenian municipalities should have already implemented the legal provision in the first mandate 1994–1998, but failed to do so (Lavtar 2003). The municipalities selected Roma representatives reluctantly and only after the intervention of the Constitutional Court (Constitutional Court 2001).

The Local Self-Government Act (National Assembly 1993) is the umbrella regulation for the functioning of local self-government in Slovenia. However, it does not prescribe any other Roma-related tasks apart from the obligation to ensure that members of the Roma community are represented on the municipal council. Other Roma-related tasks are included among neither the original nor the delegated tasks of municipalities. Additionally, the legislation on providing additional funding for municipalities to ensure the rights of the Roma community was not realised until 2021. For example, Article 20 of the Financing of Municipalities Act (National Assembly 2006) stipulated that municipalities with settlements with ethnically mixed populations or with a permanently settled Roma ethnic community shall be provided with funds from the state budget to finance the exercise of the rights of the Roma ethnic community established by law. According to Article 14 of the Roma Community in the Republic of Slovenia Act (National Assembly 2007), the funds allocated by municipalities to finance the needs of members of the Roma community are to be provided for in the budget of the Republic of Slovenia. In both cases, the funding was not provided due to the failure of the government to adopt the relevant regulation, which would determine the purposes for which the funding was to be used and the amount of the funding. In 2017, the additional funding for local communities with an indigenous Roma community was removed from the Financing of Municipalities Act (National Assembly 2006) altogether. This represented a major setback in the long-standing efforts to improve the situation of the Roma community. But recently, an important step towards improving the situation of the Roma community was made by adopting the Municipal Costs Reduction Act (National Assembly 2020). According to this act, the municipalities with registered Roma settlements shall be provided with funds from the state budget for the co-financing of the implementation of the constitutional rights of the permanently settled Roma community. The funds shall be provided in the amount of 3.5% of the municipality's appropriate expenditure.

### 6.3.2. The Provision of Adequate Housing to Roma

The Constitutional Court (2017), in the case concerning an applicant claiming the unconstitutionality of the building regulation, already established that members of the Roma community are members of a particularly vulnerable social group. The case concerned the demolition of illegally built dwellings on municipality land that were inhabited by Roma. The court decided that individuals are protected against measures that entail an interference with their right to respect for a home within the framework of the right determined by the first paragraph of Article 36 of the Constitution (National Assembly 1991), which regulates the right to privacy. In inspection procedures regarding illegal



buildings, the right to respect for home ensures natural persons that the building they live in will not be removed if there exist circumstances that render such an interference with their right to respect for home disproportionate.

Article 5 of the Roma Community in the Republic of Slovenia Act ([National Assembly 2007](#)) determines the obligation that, during the preparation of spatial acts, municipalities consider and assess the possibilities for directing spatial development in areas where members of the Roma community already live. The respective funds shall be provided in the budget of the Republic of Slovenia. This right of the Roma is not judicially enforceable.

## 7. The Survey on the Housing Preferences of Roma

### 7.1. *The Characteristics of the Roma Settlement “Kerinov Grm”*

An example of a formal Roma settlement is that of “Kerinov Grm” in the Municipality of Krško. It is the formation of formal Roma settlements that has enabled us to study the housing needs of the settlement’s inhabitants. For the members of the Roma community who live within the Roma settlement, we have checked their preferences regarding the type of housing and the architecture of the housing, as well as their financial capacity regarding the type and location of the accommodation. Through a survey consisting of closed-type answers, we asked the residents of the Kerinov Grm Roma settlement in the Municipality of Krško whether they are satisfied with their current living conditions and the existing economic and social infrastructure, whether they would be willing to leave their current accommodation, what their preferences are regarding the type of accommodation and the architecture of the accommodation, and what their financial capabilities are regarding the type and location of the accommodation.

The residents of the settlement “Kerinov Grm” are part of the Dolenjska Roma population, which after the Second World War, both due to the change in the way of life and the abandonment of nomadism demanded by the authorities ([Komac 2015](#)), started to establish permanent dwellings. The settlement of Kerinov Grm in the municipality of Krško is one of the three legal Roma settlements in the Republic of Slovenia and is the largest Roma settlement in the municipality of Krško. It is located in the middle of Krško polje, on the eastern border of the municipality of Krško, between the settlements of Gorica, Drnovo, Brege, Mrtvice, Zasap, and Hrastje, 9 km from the municipal centre, directly on the Ljubljana—Zagreb motorway. According to the official statistics ([Statistical Office n.d.](#)), Kerinov Grm is the settlement with the highest population density in Slovenia. On 1 January 2022, the population of the settlement was 279 inhabitants in 38 buildings (single-family houses with a house number), which means that, on average, 7 persons lived in one house. The expansion of the settlement is prevented by the ring road which surrounds the settlement and is also a barrier to the expansion of the settlement onto agricultural land.

Following the purchase of the property, water, and electricity were brought to the settlement in 2005. The municipal network, mainly roads and paths within the settlement, was completed in 2010. The secondary water supply network and connections to buildings were completed in 2017, and 8 mini sewage treatment plants were built. In 2011, a multi-purpose building with a kindergarten was built.

### 7.2. *The Results of the Survey*

To obtain answers to the question of how to provide housing for the Roma community, a survey was carried out. The questionnaire was divided into three sets, the first and second sets related to current and desired housing conditions, and the third set consisted of socio-demographic questions, 36 questions in total. The researchers interviewed 91 members of the Roma community who were over 14 years of age and actually lived within the Roma settlement of Kerinov Grm, including at least 1 resident from each dwelling in the settlement.

Notwithstanding all the investment in municipal and social infrastructure in Kerinov Grm, housing remains one of the most important challenges. Despite the first phase of legalisation in the settlement, 55% of the respondents still live in illegal buildings without a



building and an occupancy permit, but with access to the water supply network. More than one-third of the respondents live in buildings smaller than 60 m<sup>2</sup> and the settlement is also characterised by a high population density, with more than one-third of the respondents sharing their immovable property with 10 or more inhabitants. Despite the limited space, almost half of the respondents keep domestic animals for food in the settlement, with poultry and small livestock predominating, and more than half also have pets, mainly dogs and cats.

When asked how satisfied they are with their stay in the settlement, 63% of the respondents answered that they are not satisfied at all, and a further 28% answered that they are not satisfied. The answers to the question “*Would you be willing to leave your current accommodation?*” also indicate dissatisfaction with living in the Roma settlement. The results showed that 92% of the respondents answered “*definitely yes*” to this question.

Using a questionnaire with corresponding pictures of the different types of settlements, we checked the preferences regarding the place of residence and found that the vast majority rated a secluded farm and a dispersed settlement as very suitable and suitable, a long roadside village and a clustered village as suitable, and an urbanised village, an old town centre and a city as suitable, but with a lower degree of suitability. In terms of building types, 97% of respondents chose the single dwelling house as the most appropriate type of accommodation, with the same percentage choosing semi-detached as their second choice, followed by terraced houses, slatted blocks, and tower blocks. The last choice for 82% of respondents was the tower block.

When asked “*Have you ever been offered non-profit (social) housing in the past because of inadequate living conditions?*”, 98% of respondents answered no. Regarding the well-being of existing non-profit (social) housing, 91% of the respondents answered that Roma would not feel well in such housing.

In the questions about the circumstances that would significantly influence the decision on the suitability of a place to live, the respondents chose the undeveloped nature of the neighbourhood as a decisive factor, followed by direct access to a garden or arable land, good neighbourly relations, the safety of the neighbourhood, and the possibility of keeping domestic animals. A number of the respondents (60%) mentioned the large number of members of the Roma community in the vicinity of the place as a decisive reason that would discourage them from living in a particular place. This further confirms their general dissatisfaction with living in a Roma settlement.

As regards the suitability of the building in which they live, 95% of the respondents chose the amount of operating and maintenance costs of the building as a factor that significantly influences their decision, while the physical characteristics, appearance, and age of the building were neither important nor unimportant. However, the proximity to music schools, libraries, and cultural institutions was most frequently selected as a factor that does not influence the suitability of housing, indicating that these forms of social infrastructure are not known or not close to Roma people.

As part of the socio-demographic questions, we also examined the level of net monthly income of each household. More than half of the households surveyed receive more than EUR 1000 in income, with 5% of households with more children receiving more than EUR 3000 per month. All respondents who have not yet resolved their housing issue would choose to buy a property or to rent a property with the option to buy. In terms of assets and monthly income, 58% of the respondents are willing to spend more than EUR 200 per month to solve their housing problem and prefer a combination of savings and instalment payments as a form of financing, with a direct charge on the social transfer as a source.

## **8. How to Provide Suitable Housing to the Roma?**

The survey showed that the local community is faced with the challenge of how to consider the expressed preferences of the Roma who no longer want to live in a ghettoised settlement or in traditional social housing on the one hand, and political realities on the other. The political reality is manifested in the strong opposition of people in rural

environments to any positive discrimination involving Roma, including attempts to settle Roma families in settlements with a majority population. Although the results of the survey are relevant for all Roma living in the Roma settlements, it is important to recall that there are four Roma groups in Slovenia, which differ in terms of the suitability of their housing and their demographic characteristics (Zupančič 2018).

The main question which arises after this study is how to provide accommodation to suit the preferences and needs of the Roma. Promoting the elimination of spatial segregation requires a targeted, coordinated, and participatory process involving Roma beneficiaries in the design and implementation of municipal housing policies, linking investments in infrastructure and human resources, and awareness-raising to reduce ethnic tensions and overcome resistance from the majority of society. There are some possible measures for improving the housing conditions of Roma in Slovenia, some have already been discussed on the national level. In 1995, the Government of the Republic of Slovenia adopted the Programme of Measures to Assist the Roma (Government of the Republic of Slovenia 1995). This programme significantly changed government policy towards the Roma, which had previously been repressive and aimed at their assimilation, but it also had a downside as it delegated most of the programmatic decisions to the local authorities (Open Society Institute 2002). With this programme, the Republic of Slovenia showed that it is aware of the need to consistently regulate the Roma issue in the Republic of Slovenia, especially in the area of housing conditions, and has committed the Ministry of the Environment and Spatial Planning to provide professional and material assistance in the preparation of spatial and implementation documents for the regulation of Roma settlements and, in future activities in the area of housing, to consider the specific needs of local communities in the areas where the Roma live when allocating funds.

As mentioned above, with the Municipal Costs Reduction Act (National Assembly 2020), municipalities that have been working for many years to improve the living conditions of the Roma community living in their area have received additional funding. This is a step in the right direction but occurred only after more than 25 years since the first strategic document dealing with the Roma was published. However, it should be noted that this additional funding will not be sufficient to introduce all measures described in the Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States (Council of the European Union 2013). These are (1) ending spatial segregation and promoting desegregation; (2) promoting non-discriminatory access to social housing; (3) providing rest areas for non-resident Roma in proportion to local needs; and (4) ensuring access to public services (such as access to water, electricity, and gas) and housing infrastructure.

Co-financing the purchase of real estate outside Roma settlements to meet the needs of Roma families is also one of the possible measures to eliminate spatial segregation and promote desegregation, set in the Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States (Council of the European Union 2013). In Slovenia, co-financing has been proposed on several occasions by local communities and NGOs as an alternative or complement to co-financing real estate for the completion of Roma settlements. Regarding public tenders for the co-financing of basic municipal infrastructure projects in Roma settlements, it would be necessary to change the eligible costs. The object of the tenders so far has been exclusively for the purchase of land for the improvement and completion of existing Roma settlements. The tenders made it clear that the purchase price for the purchase of building land within a Roma settlement on which illegally built dwellings are located and/or building land adjacent to plots forming a Roma settlement was an eligible cost. The Slovenian Office for Nationalities, when talking about this with the municipalities, supported this proposal, explaining that, based on EU guidelines and discussions on the ground, they believe that the solution lies primarily in integration and “breaking up” the closed settlements, or rather not systematically encouraging further expansion of the closed settlements, but on the contrary, encouraging the settlement of Roma among the majority population.

Access to non-profit housing for socially disadvantaged citizens is provided by municipalities, municipal housing funds, and the Housing Fund of the Republic of Slovenia, which rent out housing at a rent that covers only the cost of housing and does not follow market principles. For a certain part of the population, which certainly includes most members of the Roma community, this rent is also too high, which is why municipalities are obliged to subsidise non-profit rent based on decisions by the Centre for Social Work. This is a non-selective measure that also applies to members of the Roma community, but as the study showed, there are several reasons that the Roma do not use it, especially not those living in Roma settlements in difficult living conditions. Firstly, the Roma claim that they were not offered such a dwelling at all, but also, that they would not accept it since they prefer to stay close to nature. This connection to nature is surely the fundamental reason why all attempts to ensure the right to adequate housing for the Roma by renting out non-profit housing have failed. However, the literature also points to practices in other countries where discrimination against the Roma is manifested in the fact that the Roma are unable to purchase suitable housing on the market and are particularly discriminated against when landlords refuse to rent out housing that is otherwise on the rental market (Bežovan 2011), which could also be one of the reasons for the failure to implement the right of Roma to housing so far. The example of the Czech Republic shows that it is very difficult to integrate and accommodate Roma in social housing, as the culture of the Roma is very different, and this causes problems for other tenants of social housing (Bežovan 2011).

Attempts to install containerised units in Slovenia have suffered a similar fate. The existing option of placing them in non-profit housing will need to be carefully examined and a survey of the Roma community will be needed to discover the reasons why the Roma do not take advantage of this option.

One of the possibilities would also be to improve the Roma living conditions in existing housing. Access to quality drinking water and sanitation are essential to reduce health inequalities (Chaudhuri 2017). Access to water, electricity, and gas is also included in the Recommendation (Council of the European Union 2013) as one of the measures to ensure equal treatment of Roma in access to housing. It is important that the survey showed that even in an official Roma settlement which was presented as a case of good practice, most of their inhabitants do not live in legalised dwellings. If the integration of Roma settlements into the Slovenian settlement system is a strategic objective of the state, achieving legality is a tactical step-by-step objective at the level of the municipality as a management unit. The set of measures that make this possible is called regularisation and is, in the first phase, a set of activities, procedures, and measures to give the area of illegal permanent settlement the status of building land. This enables the owners, in a second phase, to also regularise illegal buildings intended for habitation, thus fulfilling the prerequisite of ensuring access to public services. This is a tailor-made planning process that must, on the one hand, follow normative-legal aspects and guidelines and, on the other hand, look for ways to achieve planning efficiency in light of the specific problems of Roma settlements. These aspects do not as yet also address the individual problems of the quality of life of Roma in Roma settlements. They have to take care of that themselves, with or without certain economic incentives and mechanisms of social interventionism (Zupančič 2015).

## 9. Discussion

If we take into account the housing preferences of the Roma, we can reduce the disadvantages that the Roma experience, such as deprivation, lacking space, and segregation. To improve their status, it is also essential to obtain accurate information on the socio-economic circumstances of the Roma. The difficulty of presenting an accurate picture of the situation of the Roma population is also noted by Kelen et al. (2011), as data collection on this basis is not allowed due to ethnic status. Such surveys, as conducted in our research, could help to overcome the lack of data regarding the Roma status. There should be a political consensus on the necessity of a comprehensive vision to improve social and living

conditions in Roma settlements, especially through the provision of housing for the poorest and the overcoming of health disparities (Kozubik et al. 2019).

We found that several international conventions oblige states to prohibit racial discrimination and protect the rights of minorities, including the right to use their language. The situation of the Roma is also protected by other international legal instruments, which require respect for the human rights of every individual, regardless of race, gender, language, religion, or national or ethnic origin. In the case law of the ECHR on Article 8, special attention is given to the vulnerable and disadvantaged position of the Roma population. In the relevant regulatory planning framework and in reaching decisions in particular cases, the contracting states should observe the needs of the Roma and their different lifestyles. The contracting state is obliged to provide the Roma with assistance to effectively enable them to enjoy the same rights as the majority population. However, in the context of the state's positive obligation to provide access to basic utilities to a socially disadvantaged group, the ECHR finds a violation of Article 8 of the European Convention on Human Rights (Council of Europe 1950) only if persistent and long-standing lack of access to such goods has adverse consequences for health and human dignity, effectively eroding core rights under Article 8. The states are accorded a wide margin of appreciation in housing matters. Therefore, the states do not have a legal obligation to consider the wishes of the Roma regarding the type of living they prefer. Also, the EU has influenced the living conditions of the Roma by using non-binding soft-law institutes, such as recommendations. These soft-law institutes are important since they require that the Member States adopt national Roma strategies and periodically send progress reports to the European Commission. However, the assimilation measures cannot be successful if we do not respect the wishes of the Roma and the lifestyles they want to have. Indeed, the latest reports of the European Commission show that improving housing is the policy with the fewest examples of promising approaches throughout the Member States.

A survey in the Roma settlement "Kerinov Grm" gave some answers to the question of how to provide housing for the Roma community. It is important that despite the first phase of legalisation in the settlement, 55% of the respondents still live in illegal buildings without a building and an occupancy permit, but with access to the water supply network. The survey shows a very low level of satisfaction with living in Roma settlements, which, in combination with the growing population, limits the possibilities for settlement expansion and specific housing preferences and poses a unique challenge to the state and local communities. The research has also provided a clear answer as to why, given enough available non-profit housing and the non-selective conditions for obtaining such housing, the inhabitants of Roma settlements do not take advantage of this right. The first reason is that they have not even been explicitly offered this possibility, and the second reason is that the existing non-profit housing stock is in multi-apartment buildings, which are usually located in an urban environment. The Roma, who live in rural areas, reject settlement in urban areas as inappropriate, reject renting as a way of solving the housing problem, and prefer to live in areas with low population concentration and access to arable land and the possibility of keeping domestic animals. The survey complements the existing research on the stigmatisation of inhabitants of Roma settlements (Maestri 2017; Creţan et al. 2022), by seeking answers on how to address the specific housing needs of the Roma.

In further research, it would be useful to extend the survey on the housing preferences of the Roma to other Slovenian formal Roma settlements and the Roma community in other countries. Given the preferences shown by the Roma in this survey, it would be worthwhile to investigate in the future whether legalisation procedures and investment in the economic and social infrastructure of Roma settlements have an impact on improving the situation of the Roma community and to get a clear answer to the question of whether it makes sense to address the increased need for housing by expanding Roma settlements that are becoming ghettoised (Komac 2015).

## 10. Conclusions

We believe that adequate housing can be provided by securing Roma access to social housing units that meet their needs and differs from “usual” social housing units, by the legalisation of existing housing units in which the Roma live, and by co-financing the purchase and construction of property outside legal Roma settlements. The fact that the Roma no longer want to live in secluded settlements poses a challenge for municipalities due to the strong opposition of people living in rural environments to any positive discrimination involving the Roma, including attempts to settle Roma families in non-Roma settlements.

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