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WHEN WILL SOCIAL EXCLUSION AND TEMPORARY PROTECTION OF BOSNIAN REFUGEES IN SLOVENIA END?¹

At the beginning of the year 2001 there are still 2812 Bosnian refugees left in Slovenia. They are temporarily protected already for more than eight years. According to the Slovenian Law of Temporary Asylum from 1997 they are not allowed to work and that prevents their integration to the Slovenian society. Consequently, the absence of effective integration results in social exclusion which has many negative effects on their way of life. Therefore, a longterm policy of integration of Bosnian temporary refugees into the Slovenian society is needed. The proposal for such a longterm policy written below will:

- include recommendations for legal (the establishment of the new law), economic and sociocultural issues (suggestions for various integration programmes)
- encourage Slovenia to meet the European Union's proposed criteria for temporary protection
- enable integration of Bosnian refugees into the Slovenian society and thus end their social exclusion
- lessen the financial burden of the Slovenian state for temporary protected persons by enabling more Bosnian refugees to take care economically for themselves.

BACKGROUND

Soon after Slovenia became an independent state, refugees from Croatia started to come to Slovenia. In spring 1992 refugees displaced by the Bosnian war joined them, so at that time they were estimated 45.000 refugees in Slovenia. They were treated as temporary refugees on an ad hoc basis as Slovenia did not have any national laws of temporary refugee protection at the time of the arrival of

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refugees. Most of them were settled in the more than 50 barracks that the Yugoslav national army left behind. Repatriation to the Western countries and later on to Bosnia-Herzegovina started immediately after the arrival so that in September 1993, when there was first official counting, 31.000 of temporary refugees still stayed in Slovenia.

In 1997 the Law of Temporary Asylum entered into force. It is characteristic for this law that the refugees are not allowed to work. Only 8 hours per week of seasonal or occasional work is allowed, which is not sufficient for solving their economic problems.

CURRENT SITUATION

At the end of January 2001 there were still 2812 Bosnian refugees in Slovenia. Half of them live in 9 remaining refugee centres. They get breakfast and one hot meal per day and no financial assistance. The other half of temporary refugees live in private accomodation. They get some financial assistance which does not exceed 75 USD per adult per month. Children get even less money, the sum varies according to age.

The absence of the opportunity for integration into the Slovenian society left many negative consequences on the way of life of Bosnian refugees. Because they are not allowed to get employed, their quality of life is lowered to a certain extent. Hard economic situation and social exclusion they face in Slovenia cause that they feel in psychological limbo, they experience their life as living in a vacuum for 8 years as they can not integrate into the Slovenian society neither can they return home because their houses are occupied by the Serbs or destroyed. Slovenia allows only partial integration of children because they are allowed to attend schools. However, the fact that only the children can participate more actively in the sociocultural environment of the host country, increases generation gaps between school children and their parents. The fact that Bosnian refugees can not get employed also causes frictions in many of the refugee families because of its impact on gender roles. Namely, it was especially hard for male refugees to loose their principal role of breadwinners and remain unemployed for more than 8 years. Additionally, the absence of integration to the society in which they live also prolongs mourning processes for their losses: whether of deaths of their relatives and friends during the Bosnian war or the symbolic losses of country and home.

KEY ISSUES

Beside causing the above-mentioned negative consequences in the lives of Bosnian refugees, such prolonged temporary refugee protection may be harmful for Slovenia as well. Namely, the Slovenian Law of Temporary Protection from 1997 violates two basic human rights: the right to work and employment (23 rd Article of the Universal Declaration of Human Rights) and the right to participate equally in the social and cultural environment of the society in which they live (International Covenant on Social, Economic and Cultural Rights). As the EU monitors the practice of human rights in accession countries, the violations mentioned may obstruct the negotiating processes between Slovenia and European Union with regard to Slovenia's acceptance into EU.

Besides, such prolonged temporary protection is not in accordance with the EU. Namely, European Commission's proposal for temporary protection model to the Council from May 2000² sets clear duration of temporary refugee protection: normal duration is one year, maximal duration is two years. The same maximal duration is set by ECRE as well (from six months to two years). UNHCR's commentary on European Commission's model of temporary protection supports the suggested maximal duration³ of temporary protection.

OBJECTIVES

- to encourage Slovenia to meet the European Commission's proposed criteria for temporary protection
- to enable integration of Bosnian refugees into the Slovenian society and thus end their social exclusion
- lessen the financial burden of the Slovenian state for temporary protected persons by enabling more Bosnian refugees to take care economically for themselves.

ASSESSMENT OF ALTERNATIVES

The alternative to integration of temporarily protected persons would be the status quo. In that case Slovenia would remain the country with the longest temporary protection for people displaced by Bosnian war and with the least inte-

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² European Commission (23 May, 2000), "Temporary Protection in the Event of a Mass Influx of Displaced Persons", Brussels. IP/00/518.

³ UNHCR's summary observations on the Commission proposal for a Council Directive on minimum standards for giving temporary protection in the event of a mass influx (COM(2000)303, 24 May 2000).

gration programmes. This would be harmful to temporary refugees as it would lower their quality of life due to limited human rights and cause additional suffering. Status quo situation would not be in accordance with the European Commission's principles and thus not in the accordance with the current policies of the Slovenian state and also not in the accordance with the Slovenian constitution which grants human rights.

SYNECTIC ANALYSIS

No other state beside Slovenia still has temporary protection for Bosnian refugees. The same is true for Hungary, for example. However, even Hungary allowed them to work at the beginning of 1998. Most of the countries even at the time of temporary protection allowed Bosnian refugees to work. Most of the countries also enabled more integration programmes, as, for example, is the case of Denmark, which in spite of temporary protection laws encouraged integration. In United Kingdom, for example, temporary protection lasted only one year, the transfer to more durable situations was available (exceptional leave to remain and later indefinite leave to remain).

FINANCIAL IMPACT

If Bosnian temporary refugees would be able to work and solve their economic problems themselves, this would save money to the Slovenian state. If granted the right to be employed, the refugees would not be approached as the economic burden but as a source for development and would be able to add to the active population in Slovenia which is decreasing.

RECOMMENDATIONS

LEGAL ISSUES⁴⁶

That the temporary protection of Bosnian refugees in Slovenia will end, the legal changes would be needed. The new law would need to enter into force which would transfer temporary protection status to the status of a refugee according to the Law of Asylum from 1999 (and in accordance with the Geneva Convention about a status of a refugee from 1951 and the New York's Protocol from 1967).

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⁴⁶ I would like to thank Anita Longo, a lawyer, who is an active member of Amnesty International for suggestions regarding legal issues.

In this way permanent residency and the right to work and employment would be granted, as well as housing and the right to social security. However, it should be taken into consideration that it is a cross-cultural fact that even if refugees are allowed to work in the host countries, they remain heavily unemployed and face downward mobility. Because of that it is important that the housing would be still provided for them.

ECONOMIC ISSUES

The agreement between the Slovenian government and the government of Bosnia-Herzegovina about the transfer of pensions would partially solve the problems of the elderly.⁵

SOCIOCULTURAL ISSUES

That the integration of Bosnian temporary refugees into Slovenian society would be successful, some more development programmes would be needed beside the ones provided by NGOs Gea 2000 and Center for Psychosocial Help to Refugees. More vocational and job counselling would be needed. Beside individual plan of action and education, computer courses and Slovenian language courses should be available for all temporary refugees. Foreign language courses would also be suggested.

MONITORING

That the integration of Bosnian refugees be successful, its monitoring in the following years would be needed. It could be performed by the Office for Immigrants and Refugees with the help of anthropologists who are skilled in doing fieldwork and with the collaboration with NGOs dealing with refugees.

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⁵ I would like to thank dr. Boldizsar Nagy, a Hungarian professor of law, who was my mentor for International Policy Fellowship for this suggestion.