



European
University
Institute

ROBERT
SCHUMAN
CENTRE FOR
ADVANCED
STUDIES



COUNTRY
REPORT
2018/02

SEPTEMBER
2018

REPORT ON POLITICAL PARTICIPATION OF MOBILE EU CITIZENS: SLOVENIA

AUTHORED BY
JULIJA SARDELIĆ



This report was funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020)

© Julija Sardelić, 2018

This text may be downloaded only for personal research purposes. Additional reproduction for other purposes, whether in hard copies or electronically, requires the consent of the authors. If cited or quoted, reference should be made to the full name of the author(s), editor(s), the title, the year and the publisher.

Requests should be addressed to GlobalCit@eui.eu.

Views expressed in this publication reflect the opinion of individual authors and not those of the European University Institute.

Global Citizenship Observatory (GLOBALCIT)
Robert Schuman Centre for Advanced Studies
in collaboration with
Edinburgh University Law School

Report on Political Participation of Mobile EU Citizens: Slovenia
RSCAS/GLOBALCIT-PP 2018/2
September 2018

© Julija Sardelić, 2018
Printed in Italy
European University Institute
Badia Fiesolana
I – 50014 San Domenico di Fiesole (FI)

www.eui.eu/RSCAS/Publications/
cadmus.eui.eu

Robert Schuman Centre for Advanced Studies

The Robert Schuman Centre for Advanced Studies, created in 1992 and currently directed by Professor Brigid Laffan, aims to develop inter-disciplinary and comparative research on the major issues facing the process of European integration, European societies and Europe's place in 21st century global politics.

The Centre is home to a large post-doctoral programme and hosts major research programmes, projects and data sets, in addition to a range of working groups and *ad hoc* initiatives. The research agenda is organised around a set of core themes and is continuously evolving, reflecting the changing agenda of European integration, the expanding membership of the European Union, developments in Europe's neighbourhood and the wider world.

For more information: <http://eui.eu/rscas>

The EUI and the RSCAS are not responsible for the opinions expressed by the author(s).

GLOBALCIT

GLOBALCIT is the successor of EUDO CITIZENSHIP, which has been the key reference for the study of citizenship and the franchise between 2009 and 2017. With the geographic expansion of the Observatory's scope the new name reflects our worldwide coverage.

GLOBALCIT provides the most comprehensive source of information on the acquisition and loss of citizenship in Europe for policy makers, NGOs and academic researchers. Its website hosts a number of databases on domestic and international legal norms, naturalisation statistics, citizenship and electoral rights indicators, a comprehensive bibliography and glossary, a forum with scholarly debates on current citizenship trends, media news on matters of citizenship policy and various other resources for research and policy-making.

GLOBALCIT studies political participation in the context of the project Fostering Awareness, Inclusion and Recognition of EU mobile citizens' Political Rights (FAIR EU) and as a part of the EU-CITIZEN network.

This report was funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020).

The content of this report represents the views of the author only and is his/her sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

For more information see: <http://globalcit.eu>

Report on Political Participation of Mobile EU Citizens

Slovenia

*Julija Sardelić **

Abstract:

Non-resident citizens have the right to vote in national and in European Parliament elections from abroad, and the registration is automatic. For non-citizen residents from the EU, a significant challenge is non-automatic voter registration in European Parliament elections. While the registration is automatic in local-elections (based on permanent or temporary residence), the non-citizens residents from EU cannot stand as candidates for mayor. Moreover, participation of mobile EU citizens in elections is not discussed in the political arena and is rarely subject of academic studies. The author recommends to carry out a comprehensive study on the topic; proactive information by public authorities, especially targeting non-citizen residents; and more public debate on the meaning of EU citizenship and on the rights of all EU citizens, not only Slovenians.

Povzetek:

Državljeni Republike Slovenije, ki živijo v tujini, imajo pravico voliti na državnoborskih volitvah ter na volitvah v Evropski parlament. Njihov vpis v evidenco volilne pravice je avtomatičen. Za državljane drugih držav članic Evropske unije, živeče v Sloveniji, vpis v evidenco volilne pravice za volitve v Evropski parlament ni avtomatičen, kar je mogoča prepreka pri njihovi politični participaciji. Je pa vpis v evidenco volilne pravice avtomatičen za lokalne volitve (na podlagi stalnega oziroma začasnega bivališča), vendar pa drugi EU državljani, živeči v Sloveniji, ne morejo kandidirati za župansko pozicijo. Nadalje, volilna participacija EU mobilnih državljanov ni tema razprav v politični areni in je le redko predmet akademskih študij. Zato avtorica priporoča izvedbo poglobljene raziskave na to temo, dodatno proaktivno obveščanje s strani javnih organov, posebej usmerjeno k državljanom drugih EU držav članic, živečih v Sloveniji. Dobrodošle bi bile tudi dodatne debate o pomenu EU državljanstva ter o pravicah vseh EU državljanov, torej vključujoč neslovenske državljane EU.

* Marie Skłodowska-Curie Postdoctoral Fellow at the Leuven Institute for International and European Studies (LINES), University of Leuven, Belgium.

1. Introduction

Non-resident Slovenian citizens have the right to vote and to stand as candidates both in national and European Parliament elections (see Table 1). The voter registration is automatic and Slovenians abroad can vote remotely in-person at diplomatic missions or by post.

Non-citizen residents from the EU have the right to vote and to stand as candidates in European Parliament elections and in local elections. The only exception is the candidacy for mayor, which is reserved for nationals. Voter registration is not automatic for European Parliament elections: a one-off active registration is required. It is automatically renewed for subsequent elections as long as the voter does not change his/her address of residence. It is automatic for local elections based on the permanent or temporary residence registration.

Table 1. Conditions for electoral rights of non-resident citizens and non-citizen residents

Type of voter	Election type	Right Voting	Right Candidacy	Automatic registration	Remote voting
Non-resident citizens	National Legislative	YES	YES	YES	YES ¹
Non-resident citizens	European Parliament	YES	YES	YES	YES ²
Non-citizen residents	Local Legislative	YES	YES ³	YES	NA
Non-citizen residents	Local Mayoral	YES	NO	YES	NA
Non-citizen residents	European Parliament	YES	YES	NO ⁴	NA

1.1. Demographic Characteristics of Non-citizen Residents and Non-resident Citizens

In general, the number of people who have immigrated to Slovenia and emigrated out of Slovenia is relatively low in comparison with other former socialist countries. However, some demographic characteristics, especially of immigrant populations, are different from other EU Member States. The differences can be explained by the historical context that prompted a specific kind of migration into and out of Slovenia.

Non-citizen Residents

In Slovenia, the Statistical Office (henceforth SURS; www.stat.si) collects data on the demographic characteristics of non-citizen residents. The data is accurate for those non-citizen residents who have registered either their permanent or temporary residence in Slovenia. It does not include the statistical figures on EU citizens who are mobile across

¹ In-country voting. Personal voting at diplomatic missions and postal voting.

² In-country voting. Personal voting at diplomatic missions and postal voting.

³ Only for EU non-citizen residents. Third-country nationals do not have the rights to stand as candidates.

⁴ One-off active registration is required. It is automatically renewed for subsequent elections as long as the voter does not change his/her address of residence.

borders on a daily basis for work, or stay in Slovenia for a shorter period without registering (less than three months following Directive 2004/38/EC).

According to Eurostat, two demographic characteristics stand out for the non-citizen resident population in Slovenia. First, Slovenia has the second largest proportion of non-EU immigrants among the EU Member States (after Italy) and the highest among the post-socialist Member States (see Table 1).⁵

Table 2. Proportion of non-EU immigrants in EU Member States (Source: Eurostat 2017)⁶

Country	Proportion of non-EU immigrants
Italy	67%
Slovenia	64%
Germany	63%
Sweden	58%
Spain	54%
Austria	52%
Bulgaria	51%

Second, Eurostat data indicates that Slovenia has the highest proportion of male EU non-citizen residents among the EU Member States; that is 63%.⁷ SURS figures show that percentage to be slightly higher for all non-citizen residents. However, from the available data, I calculated that this is decreasing from 2011, when the proportion of male non-citizens residents was 71%.

Table 3. Non-Citizen Residents in Slovenia by Gender (Source: SURS)

Year	Male	Female	Proportion of Male
2018	78,856	43,019	64%
2017	74,314	40,124	65%
2016	70,471	37,295	65%
2015	67,352	34,180	66%
2014	64,947	31,661	67%
2013	62,121	29,264	68%
2013	59,214	26,341	69%
2011	58,697	24,049	71%

⁵ Eurostat. (2017). Immigration in EU Member States. Retrieved from <http://ec.europa.eu/eurostat/web/products-eurostat-news/-/EDN-20171215-1>

⁶ Eurostat. (2017). Immigration in EU Member States. Retrieved from <http://ec.europa.eu/eurostat/web/products-eurostat-news/-/EDN-20171215-1>

⁷ Eurostat. (2018). Migration and migrant population statistics - Statistics Explained. Retrieved from http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics

Both the gender distribution and the high percentage of non-EU immigrants in Slovenia can be explained by historical factors. During the period of the Socialist Federative Republic of Yugoslavia (SFRY), the Socialist Republic of Slovenia became the most economically developed part of the Federation. Since the 1950s, a number of citizens from other Yugoslav Socialist Republics internally migrated to Slovenia for work. This pattern of internal migration continued for approximately three decades. In the 1981 Population Census, there were 137,000 internal Yugoslav migrants in Slovenia and in the 1991 Populations Census, before the break-up of Yugoslavia, the number was 156,600.⁸

The unequal gender distribution among internal migrants was already present in the SFRY. According to Dolenc, the reason for such gender distribution lies in the fact that the main employment sector for migrants from other parts of Yugoslavia during the Socialist period was construction. This remained the same after the disintegration of Yugoslavia and after Slovenia had joined EU. The position of migrant workers from third countries is a highly discussed topic both in the general public sphere, as well as by scholars.⁹ Civil society organisations, including Amnesty International,¹⁰ and the Ombudsperson of Slovenia have criticised Slovenia for the violation of human rights of migrant workers from third countries. The available data show that, in general, non-EU migrant workers in Slovenia are less educated than the general population: 7% of non-EU migrants have completed tertiary education in comparison to 24% among the general population. In 2010, 40% of work permits were issued to migrant workers who had not finished primary school and 37% to those who had a secondary education.¹¹ Studies also indicate that non-EU migrant workers are more vulnerable to exploitation by employers in Slovenia (lower wages, limited social security).¹² A number of research studies argue that non-EU migrant workers are, besides Roma, one of the most discriminated groups in Slovenia.¹³

According to SURS, even after Slovenia had joined the EU, most non-citizen residents are still citizens of other post-Yugoslav countries. Their number is significantly higher than the number of other third-country nationals living in Slovenia. This has remained unchanged despite the 2015/16 refugee crisis, when Slovenia was positioned on the Western Balkan route. Although between 18 September 2015 and 9 March 2016, the Ministry of Internal Affairs reported 477,791 third-country nationals passing through Slovenia, only 266 made an official asylum claim in Slovenia in 2015.¹⁴

⁸ Dolenc, D. (2007). Priseljevanje v Slovenijo z območja nekdanje Jugoslavije po drugi svetovni vojni. In M. Komac (ed.), *Priseljenci: Študije o priseljevanju in vključevanju v slovensko družbo*. Ljubljana: Inštitut za narodnostna vprašanja.

⁹ Pajnik, M., & Anthias, F. (2014). *Work and the challenges of belonging*. Newcastle upon Tyne: Cambridge Scholars Publishing.

¹⁰ Migrantski delavci- Amnesty International Slovenija. (2017). Retrieved from <http://www.amnesty.si/migrantski-delavci>

¹¹ SURC. (2017). Mednarodni dan migrantov. Retrieved from <http://www.stat.si/StatWeb/News/Index/7125>

¹² Medica, K., Lukić, G., & Kralj, A. (2011). *Delovne in življenjske razmere delavcev migrantov v Sloveniji*. Retrieved from

http://www.mddsz.gov.si/fileadmin/mddsz.gov.si/pageuploads/dokumenti_pdf/el2010_raziskava_razmere_delavcev_migrantov_250311.pdf

¹³ Commissioner for Human Rights. (2017). Slovenia: More should be done to ensure that Roma, migrants and those in poverty are not left behind. Retrieved from <https://www.coe.int/en/web/commissioner/-/slovenia-more-should-be-done-to-ensure-that-roma-migrants-and-those-in-poverty-are-not-left-behind?desktop=true>

¹⁴ Sardelić, J. (2017). From Temporary Protection to Transit Migration: Responses to Refugee Crises Along the Western Balkan Route. *SSRN Electronic Journal*. doi: 10.2139/ssrn.3005923

Table 4. Number of Foreign Citizens Residing in Slovenia (Source SURS)

Year	2011	2012	2013	2014	2015	2016	2017	2018
Foreigners – total	82,746	85,555	91,385	96,608	101,532	107,766	114,438	121,875
Former Yugoslav countries	72,595	74,388	78,868	74,153	77,555	82,337	87,012	92,858
EU Member States*	5,363	6,078	6,925	16,317	17,165	17,597	18,719	19,539
Other countries	4,788	5,089	5,592	6,138	6,812	7,832	8,707	9,478

*Note: After 2013, the Croatian citizens were shifted from the group of Former Yugoslav citizens to the group of EU citizens.

While the number of former Yugoslav citizens (from non-EU countries) is steadily rising, the number of EU citizens remains similar. According to the Slovenian contact point of the European Migrant Network (EMN), the highest number of non-citizen residents comes from Bosnia and Herzegovina, Kosovo, Serbia and Macedonia. These are followed by EU citizens from Croatia, Bulgaria, Italy, Austria and Germany.

Table 5. Non-citizen Residents by Country of Citizenship on 31 December 2017 (Source: EMN)¹⁵

Country of citizenship	Number
Bosnia and Herzegovina	22,721
Kosovo	17,987
Serbia	15,193
Macedonia	12,926
Croatia	11,387
Bulgaria	4,670
Italy	3,094
Russian Federation	3024
Germany	1,156

While the number of EU non-citizen residents is relatively low in Slovenia, they mostly live in urban areas of Ljubljana (26%), Maribor (16%) and the Slovenian Seaside (16%).¹⁶ In 2017, 5% of EU non-citizen residents were younger than 15 years and 15% were older than 65. The EU non-citizen residents have a higher education level than the total

¹⁵ European Migration Network in Slovenia (2018). Tujci v Sloveniji. Retrieved from: <https://emm.si/migracije-in-slovenija/tujci-v-sloveniji/>

¹⁶ Klopčič, V., Komac, M. Kržišnik Bukič, V. (2003). *Albanci, Bošnjaki, Črnogorci, Hrvati, Makedonci in Srbi v Republiki Sloveniji: Položaj in status pripadnikov narodov nekdanje Jugoslavije v Sloveniji*. Ljubljana: Inštitut za narodnostna vprašanja.

cohort of immigrants, but a lower education level than the general population. Migrant women with citizenship of other EU Member States are more highly educated than men (23% of women with tertiary education in comparison with 13% of men). According to the information I gathered from the Ministry of Higher Education, Science and Technology, there are currently 1,963 EU students enrolled in higher education in Slovenia (out of a total of 4,987 foreign students).

Table 6. EU Citizens by Education, January 2017 (Source: SURS)

EDUCATION	Total	Primary education or less	Secondary education	Tertiary education
Number of EU Citizens (2017)	17,778	4,883	9,843	3,052
Shares	100%	27%	55%	17%

The unemployment rate among the economically active EU non-citizen residents was 7% in January 2017. This was lower than the general population unemployment rate of 17% (Source: SURS and Employment Centre of Slovenia). The employment sectors of EU non-citizen residents are more diverse than that of the total migrant population, where construction prevails. The highest number of EU citizens was employed in the manufacturing sector (20%), construction (15%) and other business activities (10%).

It has to be noted, that the free movement of Croatian citizens is still restricted in Slovenia on the basis of the *Act Extending the Transitional Period for Free Movement of Citizens of the Republic of Croatia and their Family Members* (Official Gazette of the RS No 46/2015). According to this Act, in the period between 1 July 2015 and 31 June 2018, Croatian citizens need work permits to work in Slovenia. The question remains, whether the Government will prolong this period for another two years. The Government prepared an Act for the prolongation, but the Parliament has not confirmed it yet. Due to the change of Government and recent election, it is not clear whether the Act will be passed until July 2018.

This position of Croatian migrant workers and their right to work in Slovenia is currently one of the highlighted debates in the Slovenian media.¹⁷ Similarly, as in other countries, media discussions highlight a fear that lifting work restrictions for Croatian citizens would negatively impact the position of Slovenian citizens on the labour market.

In general, EU non-citizen residents are not in the media spotlight in Slovenia. There is also virtually no research on the position of EU non-citizen resident in Slovenia as a whole. From this group, both the media and scholarly debates mostly highlight the position of Croatian citizens in Slovenia, but they are placed in the context with other former Yugoslav states.

Non-resident Citizens

While the data for non-citizen residents is generally reliable, the data on non-resident citizens is harder to obtain and less clear as it is not in the domain of SURS to collect it. The

¹⁷ Dnevnik. (2018). Hrvaški delavci z julijem očitno prosto v Slovenijo. Retrieved from <https://www.dnevnik.si/1042825603>

Government of the Republic of Slovenia has an *Office for Slovenians Abroad* (<http://www.uszs.gov.si/en/>), which aims to nurture relations with the Slovenian kin-state minorities in the neighbouring countries (in most cases recognised either as linguistic or national minorities) and Slovenians who have emigrated. Their work does not include matters related only to citizens of Slovenia abroad, but also to those who ethnically identify as Slovenians. In addition, there is a significant number of workers, who are citizens of Slovenia, but are mobile on a daily basis between Slovenia and Austria. Up until recently, they in most cases did not have their residency registered in Austria. This started to change in recent years due to differences in tax regimes, which is one of the topics on mobile EU citizens that Slovenian media highlights the most (but without a particular discussion of EU citizenship as such).¹⁸

The data on non-resident citizens of Slovenia is less reliable since SURS does not collect it. The definition of ‘Slovenians abroad’ includes those with family or ‘ethnic ties’ to Slovenia, but not necessarily with Slovenian citizenship. However, the available figures show that the Slovenia has one of the lowest emigration rates among post-socialist EU Member States. According to the population census of 2011, there were 44,000 citizens in Slovenia living in other EU Member States, among them 24,000 in Germany.¹⁹ 15% of the non-resident citizens living in other EU Member States were older than 65 years, while 6% were younger than 15. Among those who were between 15 and 65 years of age, 54% were employed, while 41% were not active on the labour market.

Table 7. Overview of demographic characteristics of non-resident citizens in other EU Member States (Source: Population Census 2011)

➔	44,000 citizens of Slovenia living in other EU member States
➔	24,000 in Germany, 8,000 in Austria
➔	15% older than 65
➔	6% younger than 15
➔	54% of older than 15 employed

Germany and Austria were already the top destinations in Europe for Yugoslav citizens from Slovenia before the fall of the Berlin Wall. SFRY was the only Socialist country that had a bilateral agreement on migrant worker recruitment with countries such as West Germany (1968). Yugoslav citizens were the second largest foreign group of citizens in West Germany. While the emigration rate from Slovenia was relatively low in comparison to other parts of Yugoslavia, it was higher among the rural population.²⁰ Around 50,000 people from Slovenia emigrated to West Germany after the bilateral agreement with West Germany had been signed (from a total of around 100,000 emigrants from Slovenia).²¹

¹⁸ RTV SLO. (2018). Migrantskim delavcem visoke dohodnine, Furs: Tak je zakon. Bodo našli rešitev?. Retrieved from <https://www.rtvlo.si/slovenija/migrantskim-delavcem-visoke-dohodnine-furs-tak-je-zakon-bodo-nasli-resitev/390301>

¹⁹ Žitnik Šerafin, J. and Kalc, A. (ed.). (2017). Raziskovanje slovenskega izseljenstva: vidiki, pristopi, vsebine. Ljubljana: Slovenska akademija znanosti in umetnosti.

²⁰ Vižintin, M. A. (2016) “Slovenski izseljenci in njihovi potomci v Nemčiji: dvajset let povezovanja slovenskih organizacij na posvetih”. *Dve domovini / Two Homelands* 2016, 43, pp. 157–170.

²¹ Vižintin, M. A. (2016) “Slovenski izseljenci in njihovi potomci v Nemčiji: dvajset let povezovanja slovenskih organizacij na posvetih”. *Dve domovini / Two Homelands* 2016, 43, pp. 157–170.

Table 8. Number of emigrants from Slovenia per year (Source: SURS)

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
8,605	13,749	14,943	12,109	18,788	15,937	12,024	14,378	13,384	14,336	14,913	15,572

The position of Slovenian citizens who emigrated in recent years has become more visible in the political and media sphere. In 2003, there were 5,867 emigrants from Slovenia, while in 2004 when Slovenia joined the EU, this number had increased to 8,269. However, there was a significant rise in emigration in 2009 especially to countries like Germany. While the emigration rate of Slovenian citizens is among the lower ones in the EU, Slovenian media highlighted the trend that has occurred after the economic crisis: a larger proportion of those who decide to emigrate are young people with higher education.

Table 9. Slovenian citizens who emigrated to other EU Member States in 2016 by education (Source: SURS)

	Primary education	Secondary Education	Tertiary Education
Germany	298	803	413
Austria	342	1,228	429
United Kingdom	29	212	247
Croatia	100	219	98

In the last national elections, many representatives highlighted the position of young educated people who have moved abroad in recent years. They did not discuss their position in terms of potential impact on election results though. Although the political parties highlighted the position of young educated migrants, the biggest group of Slovenian emigrants who moved to other EU Member States (predominantly Germany and Austria) in recent years have a secondary level of education and have similar education levels to the residents of Slovenia.²² Slovenian citizens with higher education have predominantly targeted countries such as the UK and countries outside Europe, particularly USA.

²² SURS (2015). Socioekonomske značilnosti meddržavnih selivcev, Slovenija, Retrieved from <http://www.stat.si/StatWeb/News/Index/5661>

Table 10. Emigration of Slovenian citizens to other EU Member States (Source: SURS)

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
EU	1,575	2,004	1,720	2,289	2,672	4,168	3,177	3,418	4,111	7,287	6,878	7,263	7,831	8,053
Austria	188	207	229	470	488	603	434	544	630	1,230	1529	2,270	2,273	2,404
France	47	63	47	52	56	72	77	62	74	141	131	103	133	118
Croatia	181	216	201	236	221	260	499	487	497	645	719	587	562	489
Germany	463	473	451	530	709	1850	658	761	1,061	2,272	1,662	1,625	1,790	1,795
Italy	127	331	149	198	167	227	257	229	281	369	281	286	274	266
Sweden	24	44	20	48	47	99	37	42	66	123	99	128	102	122

Another highly publicised debate in Slovenia is on the position of mobile workers who travel to work on a daily basis. There are around 20,000 Slovenian citizens who work in Austria. In 2016, they established their own union: ‘The Union of Migrant Workers of Slovenia’. The main reason for the establishment of this union was to contest unfavourable taxation for workers who migrate on a daily basis. Due to the unfavourable taxation, the number of Slovenian citizens who are permanently moving to Austria is rising. The Union of Migrant Workers of Slovenia is also politically the most active group of Slovenian migrant workers (referendum initiatives). According to the Forum of Roma Councillors in Slovenia, a significant number of Roma who are Slovenian citizens also work in Austria.²³ However, there are no reliable numbers on how many Roma from Slovenia actually work in Austria.

1.2. Summary of the Electoral Rights of Non-citizen Residents and Non-resident Citizens

Non-citizen residents

While non-citizen residents are disenfranchised from national elections in Slovenia according to the *National Assembly Election Act*, they can vote in local elections and local referenda according to the *Local Elections Act*. Third-country nationals can vote if they have a permanent residence permit and a registered permanent residence in Slovenia. They cannot stand as candidates in local elections. EU non-citizen residents can vote and be elected to the municipal council if they have a certificate of permanent residence registration and a registered permanent residence in Slovenia, or registration certificate and registered temporary residence in Slovenia. While all third-country nationals who meet the residence conditions can vote in mayoral elections, they cannot stand as candidates nor be elected as mayors. This restriction also includes EU non-citizens residents. Their voter registration is conducted *ex officio* on the basis of their registered address, which means that the registration is automatic in the case of local elections.

In addition, non-citizen EU residents (with the same residence conditions as for local elections) can vote in the EP elections if they are not voting in any other EU Member State. The voter registration in this case is conducted on the basis of their request. Non-citizen EU

²³ Sardelić, Julija. (2018) Differing Romani mobilities? The case of cross-border migration of Roma between Slovenia and Austria (in Tina Magazzini and Stefano Piemontese, eds.: *Constructing Roma Migrants: European Narratives and Local Governance*, IMISCOE Book series, Springer; in print)

residents can also stand as candidates in EP elections as it follows from the *Election of Slovenian Members to the European Parliament Act*.

Non-resident Citizens

Non-resident citizens are divided into two categories in the *National Assembly Elections Act*: those with permanent residence abroad (*izseljenci*) and those who are temporarily abroad (*zdomci*) but maintain their permanent address in Slovenia. Those with permanent residence abroad can vote and be elected to the National Assembly elections, presidential elections and EP elections, if they are not voting in their country of residence. They can also vote in national referenda. However, they cannot vote in local elections. Their voter registration is conducted *ex officio*, if their address is registered with the diplomatic or consular mission. Those who are temporarily abroad, but have permanent residence in Slovenia, vote under the same rules as resident citizens. If they want to vote while abroad, they need to inform the election committee prior to the elections (specified in more detail in Section 3).

2. Non-national EU Citizens' Franchise in EP and Local Elections

2.1. Overview of Relevant Administrative Regulations

Local Elections

The electoral rights in the local elections for non-citizen residents is defined in Article 5 (2-3) of the *Local Elections Act (ZLV)*.²⁴ Third-country nationals have the right to vote in the local elections (both for municipal councillors and mayors) provided they have a permanent residence permit and a registered permanent residence. They cannot be elected as mayors of municipalities (ZLV, Article 103/1). EU non-citizen residents can stand as candidates for municipal councillors, while third-country nationals cannot. As for third-country nationals, EU non-citizen residents also do not have the right to be elected as mayors.

After the EU accession of Slovenia, the *Local Elections Act* was amended (ZVL-E)²⁵ in 2005 to grant EU non-citizen residents the right to vote and be elected to the municipal council on the basis of Directive 94/80/EC. Initially, only EU non-citizen residents with a permanent residence (obtained after five years of continuous lawful residence) could vote or stand as a candidate for the municipal council in the municipality where they had their registered residence. However, the European Commission noted that Slovenia did not transpose the Directive correctly, since it put EU non-citizen residents in an unfavourable position in comparison to Slovenian citizens who did not have to fulfil the same requirement. Article 5 of the *Local Elections Act* was amended on 25 October 2012 (ZVL-I)²⁶ to include those EU non-citizen residents with registered temporary residence. The last amendment of the *Local Elections Act (ZVL-J)*²⁷ was adopted on 22 November 2017. The main change

²⁴ Zakon o lokalnih (ZLV) retrieved from <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO308>

²⁵ Zakon o spremembah in dopolnitvah Zakona o lokalnih volitvah (ZLV-E), <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina?urlid=200572&stevilka=3215>

²⁶ Zakon o spremembah in dopolnitvah Zakona o lokalnih volitvah (ZLV-I), retrieved from <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2012-01-3291?sop=2012-01-3291>

²⁷ <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2017-01-3192?sop=2017-01-3192>

related to the position of EU non-citizen residents was the alignment of the *Local Elections Act* with Directive 2013/19/EU after the EU accession of Croatia.

According to Article 5 of the *Local Self-Government Act* (ZLS-UPB2), special representatives are granted in the municipal councils to the Italian and Hungarian national communities in the municipalities where they live. However, this right does not extend to Hungarian or Italian citizens, who might live in the same area, if they do not have Slovenian citizenship.

EP Elections

EU non-citizen residents have the right to vote or be elected in EP elections according to the *Election of Slovenian Members to the European Parliament Act*²⁸ (ZVPEP, henceforth *EP Elections Act*²⁹). Article 10 (2) stipulates that the right to vote of EU non-citizen residents is conditional upon their registration in the Voting Rights Register as defined in the *Voting Rights Register Act* (ZEVP-2).³⁰ The other two conditions are that he/she was not deprived of the electoral rights in the other EU Member State and he/she has to sign a statement that she/he is not voting or standing as candidate in the EP elections in another EU Member State (*EP Elections Act*, Article 18).

Similarly, as in the case of local elections, initially only those EU non-citizen residents could vote who had a permanent residence in Slovenia, if they had certificate on permanent residence registration and registered permanent residence in Slovenia. The Government amended the *EP Elections Act* on 16 December 2009 (ZVPEP-B)³¹ to include those EU non-citizen residents with a certificate on residence registration and registered temporary residence. Additional amendments occurred in 2014 (ZVPEP-C)³² before the 2014 EP election, which defined under which conditions a EU non-citizen resident can stand for EP elections (amendments to Article 18) in Slovenia and in 2017 (ZVPEP-D)³³, when Article 18 was changed once again to add Ministry of Interior as a contact point for exchange of information on voting rights of EU non-citizen residents.

According to the Government document numbered 007-165/2013/38 (1322-01),³⁴ the European Commission Pilot Study 1333/10/JUST on the implementation of the Directive 2013/1/EU noted it was problematic that Slovenia did not have a provision on the informing

²⁸ Here I am using the translation used by the State Elections Commission: <http://www.dvk-rs.si/index.php/si/elections/european-parliament>. Slovenian original is *Zakon o volitvah poslancev iz Republike Slovenije v Evropski Parlament*, which would literally translate as Act on Elections of Members from the Republic of Slovenia to the European Parliament.

²⁹ *Zakon o volitvah poslancev iz Republike Slovenije v Evropski parlament* (ZVPEP), retrieved from <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3401>

³⁰ *Zakon o evidenci volilne pravice* (ZEVP-2), retrieved from <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6607>

³¹ *Zakon o spremembah in dopolnitvah Zakona o volitvah poslancev iz Republike Slovenije v Evropski parlament* (ZVPEP-B), retrieved from <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2009-01-4925?sop=2009-01-4925>

³² *Zakon o spremembah in dopolnitvah Zakona o volitvah poslancev iz Republike Slovenije v Evropski parlament* (ZVPEP-C), retrieved from <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2014-01-0219?sop=2014-01-0219>

³³ ³³ *Zakon o spremembah in dopolnitvah Zakona o volitvah poslancev iz Republike Slovenije v Evropski parlament* (ZVPEP-D), retrieved from <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2017-01-2770?sop=2017-01-2770>

³⁴ *Zakon o evidenci volilne pravice*, EVA 2013-1711-0022, predlog za obravnavo, retrieved from: [http://vrs-3.vlada.si/MANDAT13/VLADNAGRADIVA.NSF/18a6b9887c33a0bdc12570e50034eb54/bbffc5946ccea23c1257b9f0040fd76/\\$FILE/ZEVP_VLADNO_5_7.pdf](http://vrs-3.vlada.si/MANDAT13/VLADNAGRADIVA.NSF/18a6b9887c33a0bdc12570e50034eb54/bbffc5946ccea23c1257b9f0040fd76/$FILE/ZEVP_VLADNO_5_7.pdf)

EU citizens about their right to vote in the EP elections. The Government document stated that such informing is taking place despite no provision in the national legislation. In 2013, the National Assembly adopted a new *Voting Rights Register Act*³⁵ (ZEVP-2). The informing of EU non-citizen residents about their passive and active voting rights was defined in Article 7(1). The Ministry of Interior has to inform EU non-citizen residents about their electoral rights not later than ten days after the elections have been called. During the 2014 EP elections, the EU non-citizen residents were informed on the basis of their registered permanent or temporary residence in Slovenia with a circular in the Slovenian and English languages (discussed in 2.3).³⁶

Slovenian citizens and EU non-citizen residents have equal voting rights in the EP elections according to the law. If a EU non-citizen resident decides to stand as a candidate for the European Parliament elections in Slovenia, they have to include a proof of citizenship, temporary or permanent address and a statement they are not standing as candidate in any other country.

2.2. Voter Registration

EP Elections

Article 7 of the *Voting Rights Register Act* (ZEVP-2) determines the basis for the registration of EU non-resident citizens for the EP elections. Voter registration for EU non-citizen residents is not automatic, but is done upon request of the voter. According to Article 7 (3), the request can be made at any time and it does not specify a deadline. The request has to be sent by post to the Ministry of Interior. The request has to include the name of the EU non-resident citizen, the Personal Registration Number (EMŠO), his/her permanent or temporary residence, his/her residence abroad, information about the other EU Member State and electoral district where he/she was last entered in the electoral register, undersigned statement that his/her voting rights have not been stripped in the home country, and undersigned statement that he/she will realise his/her electoral right for the EP elections in Slovenia. The EU non-citizen resident has to provide a copy of proof of citizenship. The Ministry of Interior has to decide within 30 days about the request of the EU non-citizen resident. Once the request is approved, the registration is automatically renewed as long as the EU non-citizen residents meets the conditions. It can be erased upon the request of the EU non-citizen resident. The law does not foresee an online registration.

Local Elections

Article 4 (2) of the Voting Right Register Act determines that EU non-citizens resident with a residence permit and registered permanent residence or with registered residence certificate and registered temporary residence is registered *ex officio* for local elections. Registration is automatic on the basis of registered residence. Fresh registration is not needed as long as EU non-citizen resident does not change his or her address.

³⁵ Zakon o evidenci volilne pravice (ZEVP-2), retrieved from <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6607>

³⁶ Source: Ministry of Interior (2018), retrieved from http://www.upravneenote.gov.si/fileadmin/pageuploads/ue-ljubljana/NOVICE/NOVICE_2014/Volitve_v_EP.pdf

According to the information I have gathered from Division for Civil Status, Public Documents and Residence Registration (Ministry of Interior of Slovenia) via email interview and phone in June 2018, for the EP elections in 2014, there were 668 EU non-citizens residents in the Voting Registry for the EP elections. Altogether there were 1,641,253 voters eligible to vote in the 2014 EP elections (on 8 May 2014). On 28 June 2018, there were 20,510 citizens of other EU Member States eligible to vote in local elections and altogether 65,489 third-country nationals who can vote in local elections.

Table 11. EP Elections 2014 in Slovenia (Source: Interview with Ministry of Interior, June 2018)

Number of total voters	1,641,253
Number of registered EU non-citizen resident voters	668

Table 12. Non-Citizen Voters Registered For Local Elections on 28 June 2018 (Source: Interview with Ministry of Interior, June 2018)

EU non-citizen residents	20,510
Third-country nationals	65,489

According to the data available from the Central Population Register on request, in the 2014 local elections, there were 71,087 foreigners registered on the voting rights register. 18,512 were EU non-citizen residents, which represents 26% of all foreigners eligible to vote. However, they represent approximately 1% of all registered voters.³⁷

Table 13. Voter Registration of Foreign Citizens in Slovenia: 2014 Local Elections (Source: Barbara Virant³⁸)

Total registered voters	1,719,977
Total foreigners	71,087
Third-country nationals	52,575
EU citizens with permanent residence	8,337
EU citizens with temporary residence	10,175

According to a study of Barbara Kejžar,³⁹ when it comes to voter registration of non-citizen EU residents for local elections, Slovenia takes a more liberal approach. The voter registration for local elections is automatic, while the registration for EP elections can be considered more cumbersome. The non-citizen EU resident who wishes to vote in the EP elections in Slovenia has to submit his/her request to the Ministry of Interior by post or in person. There is no possibility for registration via email or online.

³⁷ Virant, B. (2014). Volitve in lokalna demokracija (Unpublishe BA thesis). Retrived from: <https://dk.um.si/Dokument.php?id=66614>

³⁸ Virant, B. (2014). Volitve in lokalna demokracija (Unpublishe BA thesis). Retrived from: <https://dk.um.si/Dokument.php?id=66614>

³⁹ Kejžar, B. (2009). "Različne oblike politične participacije imigrantov v članicah Evropske unije." *Razprave in gradivo - Inštitut za narodnostna vprašanja* številka 59, pp. 116-150.

2.3. Information during Election Campaigns

EP Elections

In accordance with the Article 7 (1) of the Voting Rights Register Act, the Ministry of Interior has to inform the non-citizen EU residents about their rights and detailed arrangements of the voting system. Prior to the 2014 EP election, the Ministry of Interior sent a circular to all non-citizen EU residents with registered residence in Slovenia by post. The circular in Slovenian and English languages, was made available also online, and included:⁴⁰

- a request form for entry into the EP electoral register
- the two statements (see 2.3.) needed for the registration to be completed.
- explanation of the voting conditions for non-citizen EU residents in Slovenia:
 - age and voting rights restrictions,
 - condition of temporary or permanent residence and request for entry into electoral register.
- explanation of the registration procedure
- information on how a non-citizen EU resident can stand as a candidate.

Information on the electoral rights of non-citizen EU residents are also available on the website of the State Election Commission in Slovenian, English, Italian and Hungarian languages (the latter two are official languages in the areas of Slovenia, where Italian and Hungarian national communities have special rights).⁴¹ According to the information from the interview with representatives of Ministry of Interior, additional information was also offered on the website of Ministry of Foreign Affairs. Moreover, 58 administrative units provided information to EU non-citizens residents on the local level via email and phone, but only upon request.

While there are several NGOs who deal with the advocacy and provide information to third-country nationals (especially asylum seekers and refugees), according to the two main NGO networks (CNVOS and Sloga), there are no NGOs that proactively inform EU non-citizens of their rights to political participation. According to the available information, there are no associations of EU mobile citizens in Slovenia. There are several associations of Croatian minority in Slovenia, but they are primarily representing the interests of those who identify as Croatian with Slovenian citizenship. In addition, there are associations of Slovenian-Bulgarian friendship and Slovenian-Croatian friendship. Their main activities are, however, not related to political participation of EU mobile citizens.

I conducted an interview with the Director of Institute for Electronic Participation, Simon Delakorda, about potential obstacles for the political participation of mobile EU citizens and why there is no special representation of this group by civil society organisation. In the interview Delakorda highlighted that EU mobile citizens are a smaller group among other migrant groups in Slovenia and enjoys relatively high level of protection of social rights in comparison with third-country nationals. He did not perceive the political

⁴⁰ Source: Ministry of Interior (2014), retrieved from http://www.dvk-rs.si/files/files/Volitve_EP_2014_zlozenka_ang.pdf

⁴¹ Source: State Election Commission (2018), retrieved from <http://www.dvk-rs.si/index.php/en/where-and-how-to-vote/voting-rights>.

participation of EU mobile citizens as particularly different from that of general population in Slovenia. As many studies have shown, EP elections are considered to be second-class elections in Slovenia. As Delakorda commented, the general population perceives the EU as positive. Yet, the gap between positive image of the EU and political participation at the EU level remains substantial. In Delakorda's opinion, the media also contributes to a certain political apathy, since in many cases they present the European Parliament in cases of scandal (for example, corruption). In general, the population in Slovenia does not see the EP elections as one of their priorities and a similar pattern can also be observed with mobile EU citizens in Slovenia. Another aspect that Delakorda highlighted was the question of electronic political participation and the approaches Slovenia takes in these regards. He commented that electronic participation has several levels. The first aspect is the electronic access to information or digitalisation of information. In Slovenia, most information about the elections are available on different state websites, especially on the State Election Commission's and Ministry of Interior's websites. However, as for the second level, a possibility for citizens to vote electronically, it is lagging behind (as it is in other EU countries, except in Estonia).

Local Elections

The Local Election Law does not stipulate any special form of proactive informing that would target EU citizens particularly. They are informed through the same channels as all other residents. The Ministry of Interior sends a circular to all municipalities and municipal electoral commissions electronically.⁴² Further information is disseminated locally. However, there is no information specifically targeting non-citizen EU residents. Information disseminated on the local level is available in the Slovenian, Hungarian and Italian languages (in the areas where the latter two languages are official).⁴³

2.4. Political Parties and Candidacy Rights

Political parties do not target EU mobile citizens, neither in local elections nor in EP elections. There was no discussion on their position in debates during the last parliamentary elections in June 2018. One of the reasons for this is that non-citizen EU residents represent a very small proportion of all voters. Moreover, they are not among the largest or most vulnerable migrant populations in Slovenia. In some debates, political parties' representatives have highlighted the position of Croatian residents, but usually only indirectly in the connection with the Slovenian-Croatian cross-border relations (such as, the border dispute, for example). Political representatives did highlight social rights of Croatian citizens in Slovenia and how equating their rights to those of Slovenian citizens might affect the labour market in Slovenia. However, there was no mention of political rights of mobile EU citizens in this context.

There have not been any non-national EU citizens elected in the EP elections for Slovenia. The State Election Commission does not collect disaggregated statistical data according to the citizenship of candidates. According to the data I was able to collect from

⁴² Ministry of Public Administration (2015), retrieved from http://www.mju.gov.si/fileadmin/mju.gov.si/pageuploads/JAVNA_UPRAVA/svlsrcp.gov.si/pageuploads/lok-sam-2015/LV2018/obv-1-14814274_P.PDF

⁴³ These are as constitutionally recognized official languages in certain areas of Slovenia.

political party representatives, they have not put EU non-resident citizens on the list of candidates in the EP elections.

The circular sent to all the non-national EU citizens explained the candidacy procedure. The procedure is also explained on the websites of the State Election Commission and Ministry of Interior in Slovenian, English, Hungarian and Italian languages. The non-national EU citizen must enclose a statement of citizens with temporary or permanent residence address in Slovenia, as well as a statement that she/he is not standing for European Parliament in another EU Member State. The candidacies have to be submitted to the National Election Commission at least 30 days before the election.

2.5. Turnout

According to information I have gathered from the State Election Committee, there are no official statistics for elections in Slovenia that would include disaggregated data on the turnout of non-national EU citizen voters.

There were also no political debates on non-national EU voters. In 2012, when the Local Election Act was changed to enfranchise non-national EU voters who hold temporary residence in Slovenia, I could only find one newspaper article (search through the libraries network database) that reported on the amendment of the Local Elections Act in the daily newspaper *Dnevnik*.⁴⁴ The article did not discuss their potential impact on electoral outcomes, but it noted that the franchise was not extended to third-country nationals.

3. Non-resident Citizens' Franchise in National and EP Elections when Residing in Other EU Member States

3.1. Overview of Relevant Administrative Regulations

National elections

The National Assembly Election Act (Zakon o volitvah v državni zbor) grants the right to vote or to be elected in the National Assembly elections to non-resident citizens in the electoral unit, where he/she or one of his/her parents had the last registered permanent residence. If this cannot be established, the voter can decide him/herself where to vote or stand as candidate (Article 7(4)). The same rules apply in the case of a national referendum.⁴⁵

⁴⁴ 'Državljeni EU takoj na lokalne volitve v Sloveniji', *Dnevnik Daily*, 27 June 2012, retrieved from <https://www.dnevnik.si/1042538402>

⁴⁵ In the case of national referendum, the Slovenian citizen (both with permanent and temporary residence abroad) who intends to vote abroad has to inform the State Election Committee the latest 15 days prior before the referendum takes place according to Article 47a of the *Referendum and Popular Initiative Act*. Source: *Zakon o referendumu in o ljudski iniciativi (ZRLI)*, retrieved from <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO324>

According to the information from one of the embassies of the Republic of Slovenia in another EU Member State,⁴⁶ all Slovenian citizens with a permanent residence abroad receive the voting material by post. They can vote by post or at the diplomatic or consular mission.

According to the *Local Elections Act*, non-resident citizens with a permanent residence abroad cannot vote in local elections even if they have temporary residence in Slovenia, while EU non-citizens residents can vote also on the basis of temporary residence. However, SURS noted that many non-resident citizens do not register their permanent residence abroad, even if they are required to do so by law. This way they retain their right to vote in local elections even if they are permanently abroad.

Citizens who are temporarily abroad (*zdomci*) have the same electoral rights as permanently resident citizens. If they are absent on election day, they can vote 2-5 days before the elections in the electoral unit, or by post from abroad or at the chosen consular or diplomatic missions abroad (note that the local elections are not held at the consular or diplomatic missions). They need to inform the State Election Commission of their intention to vote at least 30 days prior to the election day (via post, fax, email or government e-portal with a digital signature). In the last National Assembly elections, the date was 3 May 2018 as the elections were held on 3 June 2018.

EP Elections

Non-resident citizens also have the right to vote and be elected in the EP elections held in Slovenia, if they are not exercising this electoral right in another EU Member State (EP Election Law, Article 10(4)). The *Election of Slovenian Members to the European Parliament Act* does not describe the procedure of how non-resident citizens can vote abroad. However, as all citizens have the right to vote in the EP elections (if not voting in another country), the same rules apply for voting abroad as in the National Assembly elections (also for embassies outside the EU).

3.2. Voter Registration

According to the Voting Rights Registry Act, all Slovenian citizens have to be registered *ex officio*. Slovenian citizens with permanent residence abroad have the responsibility to inform the consular or diplomatic missions about any change in their address (Article 5, Voting Rights Registry Act).

EP Elections

Slovenian citizens are automatically included in the electoral registry for the EP elections. Article 6 of the *Voting Rights Registry Act* stipulates that their right to vote in Slovenia is stripped only upon the request of the citizen or based on the information from another EU Member State that the Slovenian citizen is practising her/his right to vote in that Member State. The Ministry of Interior has to inform this citizen that his/her right to vote in EP elections held in Slovenia is no longer valid. This remains the case until the Slovenian citizen lodges another request to be included in the voting register for EP elections in Slovenia at the Ministry of Interior. There is no possibility for online registration.

⁴⁶ Email correspondence with Embassies.

National Elections

As for other Slovenian citizens the registration is automatic based on the permanent address. Slovenian citizens have to inform the diplomatic or consular mission about his/her address abroad. Both registration and renewal are automatic and therefore the possibility of online registration is not needed.

3.3. Turnout

EP Elections

The overall turnout in the EP elections held in Slovenia in 2014 was 24.55%, which is among the lowest in the EU, according to the information from the State Election Commission. The State Election Commission sent voting materials to 70,170 citizens with a permanent residence abroad (*izseljenci*), and to 321 citizens with a temporary residence abroad, who informed the State Election Commission in time they will vote by post from abroad (*zdomci*). 5,147 people voted by post from abroad, which represents 7% of all voters who were eligible to vote from abroad. Moreover, disaggregated data on how many people have voted in the consular and diplomatic missions is published by the State Election Commission on their website.⁴⁷

According to the data from Slovenian Embassy in Berlin, there were 12,843 voters registered in Germany. 28 voted at the Embassy in Berlin.⁴⁸

National Elections

In the last National Assembly elections, there were 6,831 voters who voted by post from abroad.⁴⁹ 2,561 voters voted at consular and diplomatic missions.⁵⁰ According to estimates of the State Election Commission, they sent around 75,000 voting materials to voters abroad. 54,000 voting materials were sent to addresses in Europe (including also non-EU countries).⁵¹ Altogether the turnout was around 12.5% among non-resident citizens, while the overall turnout was 52.64%, according to the State Election Commission.

During the last national elections, there were some media debates about a high number of invalid ballots from Argentina (because they did not fill out the right name on the empty ballot). The relative winner of the elections political party SDS (leader Janez Janša) lodged a complaint, on the one hand, about the high number of invalid votes from Argentina, which is one of the traditional basis of Slovenian diaspora that usually votes for more right-wing parties. On the other hand, in some of the EU Member States with no traditional Slovenian diaspora, but more recent immigration (for example, United Kingdom and

⁴⁷ All these data is available on the State Election Committee website: <http://www.dvk-rs.si/index.php/en>

⁴⁸ Please note: it was also possible to vote in Munich.

⁴⁹ Source: State Election Commission (2018), retrieved from <http://www.dvk-rs.si/index.php/si/medijsko-sredisce/izid-glasovanja-po-posti-v-tujini-obvestilo-za-javnost-st-020-2-2018-144>

⁵⁰ Source: State Election Commission (2018), retrieved from <http://www.dvk-rs.si/index.php/si/medijsko-sredisce/izdi-glasovanja-na-diplomatsko-konzularnih-predstavnistvih-rs-v-tujini-ki-so-sami-ugtotavljali-izid-glasovanja-na-pvdz-2018>

⁵¹ Source: State Election Commission (2018), retrieved from <http://www.dvk-rs.si/index.php/si/medijsko-sredisce/posiljanje-volilnega-gradiva-v-tujino-obvestilo-za-javnost-st-020-2-2018-92>

Belgium), the left and centre-oriented parties received more votes.⁵² However, in none of the cases would this be enough to significantly impact the electoral outcomes.

While I was not able to locate any EU non-citizen residents who stood as a candidate on the local or EP elections, I conducted an interview with a Slovenian non-resident citizen, who stood as candidate at the last National Assembly Elections. The candidate highlighted there were advantages and disadvantages in regards to her candidacy. She evaluated her standing as candidate as a positive experience as she aimed to return some of the knowledge she gained abroad back to her country of citizenship. There were no difficulties in the candidate registration process. However, she also highlighted that it was more difficult for her to conduct her election campaign due to her long absence from the constituency and as she was not based permanently in the area where she stood as candidate. She also commented on the low turnout among non-resident citizens. In her view the main reason for the low turnout is not due to practical obstacles, but because of the lack of motivation. She felt that many potential voters where she resided would possibly be more engaged if the political representatives addressed their position in the home country more vocally, which at the present moment they do not.

4. Conclusion

The most prominent finding of this report is that, beyond the statistical data, EU non-citizen residents are practically invisible in the political arena. There are no research studies or policy papers that particularly highlight their position. There are several reasons for this. First, they are among the smaller immigrant group, while the largest are the third-country nationals from the former Yugoslav countries. The largest group of EU non-citizen residents are in fact Croatian citizens who were, until 2013, also considered third-country nationals. The media highlighted the position of Croatian citizens not in the terms of political, but in the terms of social rights (especially the right to work in Slovenia and what impact would this have on the employment of Slovenian citizens).

Second, there are a number of civil society organisations that conduct advocacy and research on the position of third-country nationals in Slovenia, especially the migrant workers and asylum-seekers whose position is particularly precarious. From the data I gathered (from correspondence with several civil society representatives), there is less interest in the position of non-citizen EU residents because their position does not seem to be problematic in terms of human rights violations. There are also no vocal civil society organisations made up mainly of non-citizen EU residents who would voice their demands. In addition, political parties do not include them into their programmes because they represent only 1% of the overall voters in local elections. Third, the overall turnout at the EP elections in Slovenia remains among the lowest in the EU. Some social scientists have argued that those eligible to vote in Slovenia consider EP elections as second-class elections.

Another striking point that, in my perspective, affects the invisibility of non-citizen EU residents is the representation of what EU citizenship entails. When media outlets discuss the rights connected to EU citizenship, they usually discuss the rights Slovenian citizens have as EU citizens, but not the rights of other EU citizens that reside in Slovenia.

⁵² Source: State Election Commission (2018), retrieved from <http://www.dvk-rs.si/index.php/si/medijsko-sredisce/izdi-glasovanja-na-diplomatsko-konzularnih-predstavnistvih-rs-v-tujini-ki-so-sami-ugtotavljali-izid-glasovanja-na-pvdz-2018>

The invisibility of EU citizens is the most important obstacle for their political participation in Slovenia.

The other obstacles are of a more practical nature. For example, there is no possibility for online voter registration for EP elections for non-citizen EU residents. They also cannot register at the local administrative unit. In addition, there is no information targeted specifically at non-citizen EU residents in the case of local elections. Also, not all legal acts related to elections are translated into English and some of the official translations of the titles of these acts in English might be considered as misleading (for example, ‘Election of Slovenian Members to the European Parliament Act’).

In recent years, however, the media and political representatives in Slovenia have highlight the position of non-resident citizens. There has also been research on the emigration of younger educated Slovenian citizens who have started emigrating since the economic crisis. Their position is usually discussed in the context of ‘brain drain’ debates and they also have a civil society organisation that is representing their interests in Slovenia (<https://www.drustvovtis.si/>). The NGO Vtis represents Slovenian citizens who are working or studying in foreign research institutions and show what they can offer to their country of citizenship. However, government policies for addressing their position are still in the very early stages of development.

The following are the author’s specific recommendations to address the political participation of both non-citizen EU residents and non-resident citizens more effectively:

- Implementation of a comprehensive research study on the position of mobile EU citizens, especially on the political participation of non-citizens residents, where there is no tangible data beyond the basic demographic characteristics, which makes it more difficult to identify their needs.
- Translation of the legal acts on elections in a concise and consistent manner, at least into English, in particular clarifying that the law does not refer only to Slovenian citizens.
- Proactive information by relevant state authorities targeting non-citizen residents, especially in the case of local elections.
- A more public debate on the meaning of EU citizenship and on the rights of EU citizens. As it stands at the moment, the debates on EU citizenship are more focused on the rights of Slovenian citizens in the EU, while the debate on rights of non-citizen residents is lagging behind.
- And finally, a broader debate on the meaning of political participation would be welcome in the public space in Slovenia.

