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**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**APPLICATION OF THE CHARTER IN SLOVENIA**

**2nd monitoring cycle**

- A. Report of the Committee of Experts on the Charter**
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Slovenia**

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making Recommendations for improvements in its legislation, policy and practices. The central element of this procedure is the Committee of Experts, established in accordance with Article 17 of the Charter. Its principal purpose is to examine the real situation of the regional or minority languages in the State, to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers has adopted, in accordance with Article 15.1, an outline for the periodical reports that a Party is required to submit to the Secretary General. The report shall be made public by the government concerned. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under its Part II and in more precise terms all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee's first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee's role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee gathers information from the respective authorities and from independent sources within the State, with a view to obtaining a just and fair overview of the real language situation. After a preliminary examination of a periodical report, the Committee submits, if necessary, a number of questions to the Party concerned on matters it considers unclear or insufficiently developed in the report itself. This written procedure is usually followed up by an "on-the-spot" visit of a delegation of the Committee to the respective State. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers together with suggestions for recommendations that the latter may decide to address to the State Party.

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## **A. Report of the Committee of Experts on the application of the Charter in Slovenia**

adopted by the Committee of Experts on 15 September 2006  
and presented to the Committee of Ministers of the Council of Europe  
in accordance with Article 16 of the Charter

### **Chapter 1 Background information**

#### **1.1. The Charter's ratification by Slovenia**

1. Slovenia ratified the European Charter for Regional or Minority Languages (hereafter referred to as the Charter) on 4 October 2000. The Charter entered into force in Slovenia on 1 January 2001.
2. The instrument of ratification of Slovenia is set out in Appendix I of this report. Slovenia declared at the time of ratification that Hungarian and Italian were regional or minority languages, protected under Part III of the Charter. It also declared that Slovenia would apply the provisions of Article 7, paragraphs 1 to 4 *mutatis mutandis* to the Romani language, in accordance with Article 7, paragraph 5 of the Charter.
3. Article 15, paragraph 1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers<sup>1</sup>. The Slovenian authorities presented their second periodical report to the Secretary General of the Council of Europe on 13 June 2005. The report was made public by the authorities. It was also translated into Slovene and distributed to the speakers of regional or minority languages by the Documentation Centre of the Council of Europe in Ljubljana.

#### **1.2. The work of the Committee of Experts**

4. This second evaluation report is based on the information obtained by the Committee of Experts from the second periodical report of Slovenia and through interviews held with representatives of regional or minority languages in Slovenia and the Slovenian authorities during the on-the-spot visit, which took place on 13-16 December 2005. The Committee of Experts received a number of comments from bodies and associations legally established in Slovenia, submitted pursuant to Article 16, paragraph 2 of the Charter.
5. In the present second evaluation report the Committee of Experts will focus on the provisions and issues which were singled out in the first evaluation report as raising particular problems,. It will evaluate in particular how the Slovenian authorities have reacted to the issues detected by the Committee of Experts and where relevant, to the recommendations made by the Committee of Ministers. The report will firstly recall the key elements of each issue. It will then refer to the paragraphs in the first report which set out the Committee of Experts' reasoning<sup>2</sup>, before evaluating how the Slovenian authorities have reacted. The Committee of Experts will also look at the new issues detected during the second monitoring round.
6. The present report contains detailed observations that the Slovenian authorities are urged to take into account when developing their policy on regional or minority languages. On the basis of these detailed observations, the Committee of Experts has also established a list of general proposals for the preparation of a second set of recommendations to be addressed to Slovenia by the Committee of Ministers, as provided in Article 16, paragraph 4 of the Charter (see Chapter 3.3 of this report).

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<sup>1</sup> MIN-LANG (2002) 1 Outline for 3-yearly periodical reports as adopted by the Committee of Ministers of the Council of Europe.

<sup>2</sup> The boxes which featured in the first evaluation report appear as underlined sentences in the present second report.

7. This report is based on the political and legal situation prevailing at the time of the Committee of Experts' on-the-spot visit to Slovenia, save as otherwise expressly mentioned in the text of the report.

8. This report was adopted by the Committee of Experts on 15 September 2006.

### 1.3. The presentation of the regional or minority language situation in Slovenia: up-date

9. The Committee of Experts refers to the relevant paragraphs of the first evaluation report (paragraphs 8-31) for the presentation of the situation of regional or minority languages in Slovenia. It recalls that these paragraphs do not only contain information about the regional or minority languages explicitly mentioned in Slovenia's declarations (Italian, Hungarian and Romani), but also those languages in respect of which the Committee of Experts received evidence or indications suggesting that the Charter's definition of a regional or minority language may apply in accordance with Article 1.a of the Charter (German, Croatian, Serbian and Bosnian).

10. In its first evaluation report, the Committee of Experts stated that it had not received the results of the 2002 Census regarding the number of persons who declared having a mother tongue other than Slovene. These figures have now been made available by the Statistical Office of the Republic of Slovenia<sup>3</sup>, along with the data of the 1991 Census which has been recalculated according to the 2002 Census methodology. The figures for the languages that the Committee of Experts looked at in its first evaluation report are as follows:

Mother tongue	Number	
	1991	2002

<b>TOTAL</b>	<b>1 913 355</b>	<b>1 964 036</b>
Slovene	1 690 388	1 723 434
Italian	3 882	3 762
Hungarian	8 720	7 713
Romani	2 752	3 834
Bosnian	...	31 499
Croatian	50 699	54 079
Croatian-Serbian	3 208	126
German	1 093	1 628
Serbian	18 123	31 329
Serbo-Croatian	80 325	36 265

11. The fluctuations of the figures given for Bosnian, Croatian, Croatian-Serbian, Serbian and Serbo-Croatian between 1991 and 2002 are results of recent political changes in the region, including the change of the status of Croatian, Serbian and Bosnian as languages separate from one another after the break-up of former Yugoslavia. During the on-the-spot visit, the Hungarian and Italian speakers expressed their view that the numbers of Hungarian and Italian mother-tongue speakers are underestimated, due to the methodology chosen for and problems encountered in the organisation of the Census.

12. There have been important legislative changes regarding the use of regional or minority languages in Slovenia. The main developments brought to the Committee of Experts' attention in this respect are the adoption of the Act on Public Usage of Slovenian Language (Ur.l. RS, No. 86/04), the adoption of a New RTV Slovenija Act (Ur.l. RS, No. 96/2005), which was approved in a referendum, the modification of the Acts on Public Administration (Ur.l. RS, No. 52/02, ..., 97/04) and Consumer Protection (Ur.l. RS, No. 20/98, ..., 98/04). The Committee of Experts' observations regarding these changes have been detailed in the body of the present report.

<sup>3</sup> <http://www.stat.si/>

#### 1.4. General issues arising in the evaluation of the application of the Charter in Slovenia

13. The Committee of Experts feels that there is still a misunderstanding regarding the scope of application of Part II of the Charter. In their second periodical report (p. 25), the Slovenian authorities notably argue that the Charter “envisages that each Party shall, upon ratification, determine the language[s] within its territory, to which it undertakes to apply the provisions of Part II of the Charter”.

14. The Committee of Experts recalls that Article 1.a of the Charter defines regional or minority languages as languages that are traditionally used within a given territory of a State by nationals of that State (who form a group numerically smaller than the rest of the State’s population) and that are different from the official language(s) of that State. Dialects of the official language(s) and the languages of migrants are excluded from this definition. Article 2, paragraph 1 of the Charter provides that “each Party undertakes to apply the provisions of Part II to all the regional or minority languages spoken within its territory and which comply with the definition in Article 1”.

15. It follows from these two provisions that, while States can restrict the application of Part III undertakings to the languages specified in their instrument of ratification, the application of Part II to all regional or minority languages may not be restricted and is automatic. Accordingly, the fact that a regional or minority language corresponding to the Charter’s definition is not explicitly mentioned in the declaration(s) of a State Party does not preclude the application of Part II of the Charter to that language.

16. As the independent body set up by the Charter to monitor its implementation, the Committee of Experts is competent, *inter alia*, to assess the application of Article 2, paragraph 1 of the Charter. It therefore has the task of monitoring the application of Part II of the Charter to all regional or minority languages which correspond to the definition contained in Article 1.a of the Charter (in this respect, see the first evaluation report on Spain, ECRML (2005) 4, paragraphs 75-77).

17. In its first evaluation report concerning Slovenia, the Committee of Experts already examined the situation of four languages (German, Croatian, Serbian and Bosnian), in respect of which it had received evidence or indications suggesting that they may correspond to the Charter’s definition of a regional or minority language, despite the fact that they were not mentioned in Slovenia’s declaration. The Committee of Experts’ position vis-à-vis these languages is detailed below (see paragraphs 20-25).

18. Another problem raised by the Committee of Experts in its first evaluation report was the fact that the instrument of ratification deposited by Slovenia does not specify any options regarding Article 8, paragraph 1.b (primary education) of the Charter with respect to the Hungarian and Italian languages. The Committee of Experts has been informed by the Slovenian authorities that this was a technical error and that an additional declaration is in preparation to remedy it. The Committee of Experts welcomes this information and notes that Slovenia already provides for protective measures for these languages within primary education in its domestic legislation.

19. The Committee of Experts appreciates the good co-operation it enjoyed with the Slovenian authorities, in particular regarding the organisation of its on-the-spot visit, which gave the Committee of Experts the opportunity to witness improvements in the situation of the Hungarian, Italian and Romani languages. However, it regrets the fact that, on the whole, Slovenia’s second periodical report does not respond to many observations and requests for further information contained in the Committee of Experts’ first evaluation report. Also, the information provided with respect to Part II and Part III undertakings are general in nature and do not provide specific details regarding the implementation of individual undertakings. In view of the lack of the pertinent information which it had requested in its first evaluation report, the Committee of Experts was again not able to evaluate the application of a number of undertakings. This significantly reduces the efficiency of the Charter’s monitoring mechanism, which is based on a continuous dialogue with the authorities.

## Chapter 2. The Committee of Experts' evaluation in respect of Part II and Part III of the Charter

### 2.1. Preliminary issues

20. With respect to German, the Slovenian authorities confirm that this language has been traditionally spoken in Slovenia. Thus, German in Slovenia corresponds to the Charter's definition of a regional or minority language, which implies that provisions of Part II apply to this language. This approach has been confirmed by the Committee of Ministers of the Council of Europe, which recommended that the authorities of Slovenia "apply Part II protection to German as a regional or minority language in Slovenia within the meaning of the Charter and strengthen in particular the provision of teaching of or in German as a regional or minority languages, with priority for the Kočevje area" (RecChL(2004)13, Recommendation No. 2).

21. As for Croatian, the Committee of Experts has received evidence which verifies the continuous traditional presence of this language in Slovenia as an autochthonous language, particularly in Bela Krajina and the area of Mokrice (see paragraphs 26 to 28 of the Committee of Experts' first evaluation report). Accordingly, the Committee of Experts considers that the Croatian language in Slovenia corresponds to the Charter's definition of a regional or minority language, and that as a result, Part II of the Charter should apply to this language. Following the Committee of Experts' first evaluation report, the Committee of Ministers recommended that the Slovenian authorities "identify the geographical areas in which Croatian is covered by the Charter and apply Article 7 in respect of this language" (RecChL(2004)13, Recommendation No. 1). The second periodical report contains no information regarding measures taken to identify these geographical areas or to apply Article 7 to Croatian.

22. In its first evaluation report, the Committee of Experts stated that there were also indications of a traditional presence of the Serbian and Bosnian languages in Slovenia. It therefore encouraged the Slovenian Government to clarify the issue of the traditional presence of the Serbian and Bosnian languages in Slovenia in co-operation with their speakers and to comment on the results of this process in the next periodical report.

23. Slovenia's second periodical report refers to two studies dealing with the status of Bosnian, Croatian and Serbian in Slovenia. According to the information provided, the first one, entitled "The situation and status of members of the former Yugoslav nations in the Republic of Slovenia" was conducted by the Institute for Ethnic Studies at the request of the Government Office for Nationalities. The second is entitled "Perception of the Slovene Integration Policy" (December 2004) and is the result "of a broad interdisciplinary research conducted by the Faculty of Social Sciences of the University of Ljubljana, Institute for Ethnic Studies in Ljubljana and the Slovenian Academy of Sciences and Arts".

24. However, the Committee of Experts has not received any information from the authorities about the contents of these studies in so far as they relate to regional or minority languages, on their publication and dissemination, or about the measures envisaged on the basis of their findings. During the on-the-spot visit, representatives of the umbrella organisations of the Croatian and Serbian speakers stated that their organisations had not been consulted in the framework of the drafting of these studies. The Bosnian-speakers told the delegation of the Committee of Experts that they had only been consulted for the first study. Neither group had been informed of the results of these studies, which according to them were not made public. The authorities could also not inform the Committee of Experts whether consultations were envisaged with the speakers of these three languages on the basis of these studies.

25. The Committee of Experts expects to receive more information about the contents of these studies relating to language issues and the dissemination of their results, as well as on the measures taken in response to their findings in the next periodical report. It recalls that measures to recognise and promote the Croatian language as a regional or minority language and to clarify the traditional presence of the Serbian and Bosnian languages should be taken in close co-operation and on the basis of transparent consultations with the speakers. It urges the Slovenian authorities to initiate this co-operation and to take the necessary measures to implement their Charter obligations with respect to these languages.

***The Committee of Experts urges the Slovenian authorities to clarify, in co-operation with the speakers, the issue of the traditional presence of the Serbian and Bosnian languages in Slovenia.***

## **2.2. Evaluation in respect of Part II of the Charter**

26. The Committee of Experts will focus on the provisions of Part II which were singled out in the first report as raising particular problems. It will therefore not comment in the present report on provisions about which no major issues were raised in the first evaluation report and for which the Committee of Experts has not received any new information requiring it to reassess their implementation. These provisions are as follows:

Article 7, paragraph 1.g (see paragraph 64-66 of the first evaluation report)

Article 7, paragraph 2 (see paragraph 75 of the first evaluation report)

27. With regard to the Hungarian and Italian languages, the Committee of Experts refers to its evaluation under Part III of the Charter. It will not look into the application of Part II provisions to these languages, unless specific problems were raised which are not covered by Slovenia's Part III undertakings regarding these languages.

### **Article 7**

#### ***Paragraph 1***

***“ In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:***

- a the recognition of the regional or minority languages as an expression of cultural wealth;”***

#### ***German***

28. In its first evaluation report (see paragraph 46), the Committee of Experts encouraged the Slovenian authorities to comment in the next periodical report on specific steps taken for implementing this provision.

29. The only legal text the Slovenian authorities refer to in the second periodical report (see p. 12) which makes reference to protection of the German language is the Agreement between the Government of the Republic of Austria and the Government of the Republic of Slovenia on Co-operation in the Fields of Culture, Education and Science signed in Ljubljana on 30 April 2001. Article 15 of this Agreement provides for “projects for the benefit of wishes and needs of the members of the German-speaking ethnic group in Slovenia, important in terms of culture, education and science (e.g. projects in the fields of language learning and preservation of monuments, scholarships, etc.)”. However, the bilateral agreement on its own cannot be considered to be a sufficient basis for implementing this undertaking.

30. Slovenia's domestic legislation makes no provision to recognise German in Slovenia as a regional or minority language and as an expression of cultural wealth, which has important repercussions for the implementation of other Part II provisions. Likewise, no measures have been taken by the authorities to define the geographical areas where German has been traditionally used. According to the Slovenian authorities, any change to the present situation “would require a new plebiscite on the issues that have been decided upon on the establishment of the independent Slovenia, and consequently the amendment of the Constitution of the Republic of Slovenia”.

31. The Committee of Experts emphasises that the Charter does not require the official recognition of minority groups, but of regional or minority languages. This provision requires States Parties to recognise,



in their domestic legal order, a regional or minority language as an expression of cultural wealth, without specifying what specific legal form this recognition should take. This does not necessarily require a constitutional provision. Ordinary legal acts or political measures, in combination with the existing bilateral treaties may also suffice in this regard (in this respect, see the Committee of Experts' first evaluation report on Denmark, ECRML (2004) 2, regarding the German language).

### **Croatian**

32. Croatian is not considered as a regional or minority language by the Slovenian authorities, but as a language of citizens of the former Yugoslav Republics or as an "immigrant language", although there is evidence that it corresponds to the Charter's definition of a regional or minority language. While the Slovenian authorities refer to two studies also dealing with the status of this language (see paragraphs 23-25 above), there have been no concrete measures to recognise the Croatian language as a regional or minority language and as an expression of Slovenia's cultural wealth nor to define the geographical areas where Croatian has been traditionally used.

**"b the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;"**

### **Italian**

33. In its first evaluation report (see paragraphs 51-54), the Committee of Experts raised the issue of the definition of the "ethnically mixed areas". It had been informed that many Italian-speakers in the three municipalities of Koper/Capodistria, Piran/Pirano and Izola/Isola lived outside the areas defined in connection with the London Memorandum of 1954, due to the development of the socio-demographic situation in the post-war period. The Committee of Experts and the Committee of Ministers thus recommended that the scope of the protection currently afforded to the Italian language in the "ethnically mixed areas" be extended progressively to other areas of the three municipalities concerned where there is a stable presence of Italian-speakers.

34. In this regard, the Slovenian authorities state in their second periodical report (see p. 13) that any change in the status and role of self-governing national communities would require the amendment of the Constitution. The Committee of Experts notes, however, that Article 64 of the Constitution states that the relevant features of the framework of protection of the Italian language in the geographical areas where its speakers live shall be determined by *statute*. According to the information provided by the Italian-speakers during the on-the-spot visit, the proportion of Italian-speakers living outside "ethnically mixed areas" is 8% – this figure is 4% according to the authorities. During the on-the-spot visit, the Slovenian authorities expressed the opinion that the demographic changes in the area were not of a nature to require an extension of the "ethnically mixed areas". The Committee of Experts encourages the Slovenian authorities to continue their dialogue with Italian-speakers and the local authorities on this issue.

35. During the on-the-spot visit, the Committee of Experts was informed that there had been an attempt to split the Koper/Capodistria municipality into two entities against the wishes of the Italian-speakers. While this proposal has been rejected, the Committee of Experts has been informed of similar initiatives in the other two municipalities, which according to the Italian-speakers would lead to a deterioration of the situation of the Italian language. Furthermore, the Committee of Experts has been informed by the Slovenian authorities that a ruling of the Constitutional Court provides for the division of Koper/Capodistria into smaller municipalities. The Committee of Experts trusts that the authorities will take full account of the views and concerns of the Italian-speakers and refrain from taking measures relating to administrative divisions which would constitute an obstacle to the promotion of the Italian language.

**“c the need for resolute action to promote regional or minority languages in order to safeguard them;”**

36. Resolute action to promote regional or minority languages in order to safeguard them covers several aspects. These include the creation of a legal framework for the promotion of regional or minority languages, the establishment of bodies which are responsible for the promotion of these languages, and provision of adequate financial resources (see the second evaluation report on Germany, paragraph 24).

#### **German**

37. In its first evaluation report (see paragraph 56), the Committee of Experts observed that the limited approach taken by the Slovenian authorities, which in essence was confined to the terms of the bilateral agreement with Austria, was insufficient to safeguard and to promote this language. The Committee of Experts is not aware of any developments in this regard since the first evaluation report, and encourages the Slovenian authorities to take resolute action to promote the German language in the areas where it has been traditionally spoken, including all the relevant aspects detailed above.

#### **Croatian**

38. The approach taken by the Slovenian authorities with regard to this language has also been very limited. The Committee of Experts encourages the Slovenian authorities to take resolute action to promote the Croatian language in the areas where it has been traditionally spoken, including all the relevant aspects detailed above.

**“d the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;”**

#### **German and Croatian**

39. German and Croatian as regional or minority languages remain largely absent from public life in Slovenia, and the facilitation and/or encouragement of the use of German and Croatian by the Slovenian authorities is limited to the cultural sphere. The second periodical report provides a list of activities that have been supported through the special minority programme of the Ministry of Culture (see Appendix II to the second periodical report), and this support is to be commended. These include publishing activities and periodicals. The Committee of Experts has not received any information indicating the presence of German and Croatian in the broadcasting media in Slovenia.

40. The Committee of Experts encourages the Slovenian authorities to take measures to facilitate and/or encourage the use of these regional or minority languages in public life, in particular in the broadcasting media.

**“e the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;”**

41. In its first evaluation report (see paragraphs 59-61) the Committee of Experts stated that it had not received any information, either regarding the development of links between various groups of German speakers present in different areas in Slovenia, or the establishment of cultural relations between speakers of different regional or minority languages. It therefore requested the Slovenian authorities to report on measures taken in accordance with this undertaking in their next periodical report.

42. The second periodical report submitted by Slovenia does not contain information regarding the implementation of this provision. However, information provided in relation to Article 12 of the Charter refers to initiatives supported by the Ministry of Culture, which organised a meeting “of representatives of very diverse minority groups, namely those that are not explicitly mentioned in the Constitution of the Republic of Slovenia” (see p. 56). The Committee of Experts welcomes this initiative and encourages the Ministry of Culture to pursue the organisation of such meetings and provide further information about them in the next periodical report. However, the Committee of Experts has not received any evidence pointing to the contribution of the Slovenian authorities to the establishment, maintenance or development of links and cultural relations envisaged by this undertaking between these groups and those recognised in the Constitution. It therefore encourages the Slovenian authorities to take active measures to further implement this provision.

**“f the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;”**

### **German**

43. In its first evaluation report (see paragraph 63), the Committee of Experts identified the need to develop the teaching in and of German as a regional or minority language, in particular in the Kočevje area, as part of the regular or optional school framework. It therefore encouraged the Slovenian authorities to consider ways of developing appropriate provision of teaching in and of German in co-operation with the speakers, with priority given to the Kočevje area.

44. The second periodical report contains no information regarding the implementation of this provision with respect to the German language and no developments have been brought to the attention of the Committee of Experts. According to the information provided by the Government Office for Nationalities during the on-the-spot visit, there is no provision for pre-school education in German, as such provision can only be made for the languages of recognised national minorities. According to the information available to the Committee of Experts, it is possible to learn German as an optional foreign language, starting from the third cycle of primary education. It is also taught as a first foreign language at 308 schools at different levels. No model has been developed to teach German as a regional or minority language in the Slovenian education system or to teach subjects through the medium of this language. In Maribor, the German Cultural Association organises German courses and workshops for children and adults, which have received some financial support from the Slovenian Ministry of Culture (350 000 SIT, about € 1 460 in 2006). However, the Committee of Experts has not been made aware of any initiatives regarding the transmission of the German variety traditionally spoken in the Kočevje area, which is in danger of extinction. It is also unclear to the Committee of Experts whether Article 8 of the Slovenian Elementary School Act (see paragraph 46 below) applies to German, or to what extent the bilateral treaty with Austria applies to the instruction in and of German as a regional or minority language. It therefore encourages the authorities to clarify these issues in the next periodical report.

45. The Committee of Experts considers that the implementation of this provision requires more decided measures from the Slovenian authorities.

***The Committee of Experts encourages the Slovenian authorities to develop an educational model for German as a regional or minority language in co-operation with the speakers, and to provide for teaching in or of German at all appropriate levels, including pre-schools, in the areas where it has a traditional presence.***

### **Croatian**

46. Article 8 of the Slovenian Elementary School Act provides that “in compliance with international treaties, classes in their mother tongue and culture are organised for children of Slovenian citizens, who reside in the Republic of Slovenia but whose mother tongue is not Slovenian. Classes in Slovenian can also be organised for them”. According to the information provided by the Slovenian Ministry of Education, Slovenia provides “remedial classes” for Croatian-speaking children (45 pupils in Ljubljana, Izola and

## Part II

Maribor in the 2005/2006 school year) and Croatian can be learned as a required optional subject. The Committee of Experts would welcome more information regarding the content of these classes and the number of hours devoted to Croatian-teaching in either case.

47. There is no pre-school education in Croatian. According to the information provided by the Union of Croatian Cultural Associations in Slovenia, the Union organises Croatian courses (1.5 hours per week) in 5 primary schools in 5 cities, outside the normal curriculum. The Ministry of Education provides the classrooms.

48. The Committee of Experts welcomes this co-operation between the Croatian speakers and the Slovenian authorities, which it encourages the authorities to continue and to develop. It considers that more pro-active measures are needed to provide for the teaching in or of Croatian as a regional or minority language at all levels, including the pre-school level, in particular in the areas where it has been traditionally spoken.

**“h the promotion of study and research on regional or minority languages at universities or equivalent institutions;”**

49. According to the information available to the Committee of Experts, it is possible to study German at university level in Maribor and Ljubljana, and Croatian in Ljubljana. The Committee of Experts has not been informed of any research being conducted into these languages.

**“i the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.”**

### **Italian**

50. In its first evaluation report (see paragraphs 70-73), the Committee of Experts raised the issue of the loss of broadcasting capacity of the television and radio channels of the Italian-speakers. It encouraged the Slovenian authorities to adopt a policy, in co-operation with Croatia and Italy, aimed at promoting the broadcast of Italian-speaking television and radio channels in Koper/Capodistria to parts of Italy beyond the areas sharing borders with Slovenia, and to the whole Croatian part of Istria and the Croatian city of Rijeka.

51. The Committee of Experts was informed by the Italian-speakers during the on-the-spot visit that this problem would be resolved as of December 2005, thanks to EU funds used by the Italian region of Friuli – Venezia Giulia for making the Italian TV channel from Slovenia available via satellite. From the information available to the Committee of Experts, the Slovenian authorities do not seem to have contributed to this solution.

### **German and Croatian**

52. The Committee of Experts has received no information regarding concrete examples of transnational exchanges envisaged by this undertaking and the way in which these have been actively promoted by the Slovenian authorities, and would welcome further information in this respect in Slovenia's next periodical report.

### **Paragraph 3**

**“ The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.”**

## Part II

53. The Committee of Experts recalls that the extent to which a minority language is protected or promoted is, in many respects, a reflection of the majority language speakers' approach and perception and that awareness-raising within the majority is therefore of the utmost importance. As this provision indicates, education and the media are especially relevant in this respect. The Committee of Experts also underlines that the purpose of the present obligation is not just knowledge of the existence of regional or minority languages in one's country but also understanding and tolerance (see the first evaluation report on the implementation of the Charter in Spain, ECRML (2005) 4, paragraph 182).

54. In its first evaluation report (see paragraphs 76-80), the Committee of Experts considered that it had not received sufficient information regarding the ways in which provision was made in the field of education for explaining the autochthonous character of Slovenia's regional or minority languages to the majority population. It had also not received any information concerning the promotion of mutual understanding in the mass media. It therefore encouraged the Slovenian authorities to elaborate on these points in their next periodical report. Regrettably, the second periodical report does not contain any further information on these issues.

55. While there is some awareness about the Hungarian and Italian languages in Slovenia within the majority population, notably due to the presence of these languages in the public broadcasting media and their recognition in the Slovenian Constitution, there seems to be a need to further raise awareness about Hungarian and Italian. During the on-the-spot visit, representatives of both communities expressed the view that many majority speakers had no awareness of the autochthonous character of their languages outside the areas where they are spoken and limited or distorted information about the history and culture they reflect. The representatives also stated that mainstream textbooks and teaching materials, in particular for teaching history, make hardly any reference to these languages and that no provision is made within mainstream teacher training for the multilingual character of Slovenia, as a result of which such teaching is left up to the individual teachers.

56. As for other regional or minority languages spoken in Slovenia (German, Croatian, Romani), the Committee of Experts has not received any information about initiatives to raise the awareness of the general public in mainstream education and the mass media.

57. The Committee of Experts urges the Slovenian authorities to provide information on the implementation of this provision with respect to all of Slovenia's regional or minority languages, and in particular on the following points:

- provision made in teaching materials, such as history books, used in the education system for majority language-speaking pupils throughout the country;
- how awareness of regional or minority languages is raised as a component and as an expected result of mainstream teacher training;
- measures taken to promote the majority population's awareness on regional or minority languages in the media and to discourage practices contrary to the objectives of this provision.

### **German**

58. The Committee of Experts expresses special concern with regard to attitudes towards the German language as a regional or minority language. During the on-the-spot visit, it received worrying reports pointing to the stigmatisation suffered by speakers of this language. Representatives of German speakers stated that there have been expressions of negative attitudes towards activities of some German-speaking associations in the mass media and that there had been also several derogatory statements, including by local officials, and local acts of intolerance. In the view of the Committee of Experts, further efforts are needed from the Slovenian authorities to fully protect and promote German as a regional or minority language and as an expression of Slovenia's cultural wealth, and to take an active stand against expressions of intolerance.

**Paragraph 4**

***“ In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.”***

59. Hungarian and Italian-speakers are represented in different bodies, including the Parliament, and on the whole have channels to express their wishes and needs at appropriate levels. However, the Committee of Experts has been informed that a new RTV Slovenija Act has been adopted and that it will lead to some changes regarding the representation of the Hungarian and Italian minorities in the decision-making bodies of RTV Slovenija. The representatives of speakers expressed their concern that this might have a negative impact on their representation in such bodies and their possibility to influence decisions that affect their languages. The Committee of Experts encourages the Slovenian authorities to comment on these changes in their next periodical report.

60. While the second periodical report refers to associations promoting the Croatian and German languages, to the extent of the Committee of Experts' knowledge, no consultation mechanisms exist with respect to these organisations. The Committee of Experts encourages the Slovenian authorities to set up such mechanisms with a view to consulting the relevant organisations representing these regional or minority languages when establishing a structured policy for the maintenance and promotion of these languages.

**Paragraph 5**

***“ The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.”***

**Romani**

61. In accordance with the instrument of ratification deposited by Slovenia, the provisions of Part II apply *mutatis mutandis* to the Romani language. The Committee of Experts refers to its first evaluation report on Slovenia (ECRML (2004) 3) for its general assessment of the situation of the Romani language and the main problems it identified with respect to its protection and promotion (see paragraphs 83-91 and the following box), which for the most part still remain valid.

62. While the Committee of Experts has been informed of some voluntary, individual initiatives, such as the limited use of Romani at a pre-school in the Dolenjska region, there is still no formal teaching of Romani at schools. Nevertheless, the second periodical report contains information on measures adopted since the first evaluation report which could potentially lead to important improvements (see p. 17-20 and 22-24), the most significant of which is the adoption of a document entitled “Strategy for Education of Roma in the Republic of Slovenia” in May/June 2004. This document was drawn up by a special working group which included representatives of the Romani-speakers. It proposes a number of solutions concerning the integration of Roma in the Slovenian education system, with adequate provision for both the Slovene and Romani languages, training of Roma teaching assistants and teachers, as well as measures designed to combat prejudices against Roma children and increase their self-esteem (see p. 19-20 of the second periodical report).

63. The Committee of Experts welcomes the adoption of the Strategy for Education and encourages the Slovenian authorities to devote adequate resources to ensure its implementation. It has been informed that another special working group will be set up to follow its implementation, in which the Union of Roma in Slovenia will also be represented. The Committee of Experts is pleased to note that the teaching of the

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Romani language is a component of this process in Slovenia and looks forward to receiving further information as to concrete measures taken for the teaching of Roma language and culture.

64. The Ministry of Education has informed the Committee of Experts that it has adopted an action plan on the basis of this strategy, which provides for the introduction of optional Romani courses by 2010. There are currently no qualified Romani-speaking teachers. However, some positive initiatives in the field of teacher training were brought to the attention of the Committee of Experts. These include the training of Roma teaching assistants and co-ordinators for adult education, in the framework of the European Union's EQUAL programme and the PHARE project respectively. These training schemes will allow the participants to obtain a certificate so that their qualifications will be recognised all over Slovenia. The Roma teaching assistants will have the task of facilitating dialogue and communication between Roma pupils and Slovenian-speaking teachers, and between Romani and Slovenian-speakers in general. The Committee of Experts recalls that innovative and flexible solutions are necessary in order to launch Romani teaching and to train the necessary teaching staff (see the second evaluation report on Sweden, ECRML (2006) 4, paragraphs 55-56). It commends the Slovenian authorities for this flexible approach and encourages them to pursue their efforts with a view to developing teaching in or of Romani

65. The second periodical report does not provide any information regarding the codification<sup>4</sup> of Romani, even though the Slovenian authorities informed the Committee of Experts during the on-the-spot visit that the lack of codification is one of the main reasons for the absence of Romani teaching in schools. Nevertheless, the Committee of Experts has received information that work on the codification of two dialects of Romani, spoken in the Prekmurje and Dolenjska regions respectively, is in progress and that a dictionary is being prepared by the Faculty of Arts of the University of Ljubljana. The Committee of Experts would welcome information on these and other possible initiatives concerning the codification process of Romani in the next periodical report. It would nevertheless like to emphasise the need to introduce Romani teaching at schools without waiting for the full completion of the work on codification.

66. With respect to the presence of the Romani language in the media, the second periodical report states that the radio stations Murski Val Murska Sobota and Studio D from Novo Mesto broadcast a one-hour programme in Slovene and Romani on a weekly basis and that a TV studio produces one programme every two months, which is broadcast by cable TV in the Dolenjska, Prekmurje and Maribor regions (see p. 17). According to the report, the authorities are also considering the inclusion of Romani programmes within the remit of the public broadcaster. In this respect, the Committee of Experts was informed during the on-the-spot visit that the new RTV Slovenija Act (see paragraph 12 above) makes provision for the Romani language, but it has no information as to the concrete effects this act will have on the presence of Romani in the public media. It encourages the Slovenian authorities to report on this issue in their next periodical report.

67. The Committee of Experts observes that Roma continue to suffer from severe prejudices, stigmatisation and attempts at exclusion, in particular at schools, and the portrayal of the Roma in the mass media remains negative. The Committee of Experts would like to reiterate the urgent need for resolute action to promote awareness and acceptance of the Romani language and culture as an integral part of Slovenia's cultural wealth. This should include measures to promote a more positive image of the Roma in the media and in the national curriculum.

68. One worrying report received by the Committee of Experts, illustrating this problem, concerned tensions at the Bršljin elementary school, where Roma children constituted 14% of all pupils in the 2004/2005 school year following the abolition of segregated "special classes" for Roma children. According to information received, non-Roma parents demanded that their children should not attend the same classes as Roma children. The Committee of Experts is pleased to note, however, that the Slovenian authorities intervened to defuse tensions and introduced a new educational model in favour of the inclusion of Roma pupils, inspired by the experience gained in the Prekmurje region. This model maintains mixed classes, with supplementary education for Roma children, and has also been approved

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<sup>4</sup> In accordance with the suggestion of representatives of the European Roma and Travellers Forum, the Committee of Experts has decided to use the term "codification" rather than "standardisation" which it used previously.

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by Roma parents. The Committee of Experts encourages the Slovenian authorities to pursue their efforts against segregation, bearing in mind that underachievement of Romani-speaking children is a Europe-wide phenomenon resulting from centuries of social exclusion faced by Roma. It would welcome further information regarding this issue and the evaluation of this temporary model in the next periodical report.

69. Finally, the Committee of Experts has been informed that some groups of Romani-speakers, such as the Roma in Maribor, are excluded from certain protection measures, including measures designed to improve Romani-speaking children's access to education, on the grounds that they have arrived in Slovenia more recently. Bearing in mind that the Charter protects languages, as opposed to minorities, and that Romani in Slovenia is protected as a non-territorial language under the Charter, the Committee of Experts encourages the Slovenian authorities to harmonise the level of provision for Romani for all speakers of this language.

***The Committee of Experts encourages the Slovenian authorities:***

- to ensure the full implementation of the "Strategy for Education of Roma in the Republic of Slovenia" of 2004;***
- to pursue and support the work on the codification of Romani;***
- to improve the presence of the Romani language in the media;***
- to promote awareness and acceptance of the Romani language and culture as an integral part of Slovenia's cultural wealth, to include this promotion among the objectives of national education, and to encourage the mass media to pursue the same objective;***
- to harmonise the level of provision for Romani for all speakers of this language.***



### 2.3. Evaluation in respect of Part III of the Charter

70. The Committee of Experts has examined in greater detail the existing protection of the languages that have been identified under the protection mechanism of Part III of the Charter.

71. Following the focused approach which was explained above (see paragraph 5), the Committee of Experts will concentrate on the provisions of Part III in relation to which a number of issues were raised in the first report. It will evaluate in particular how the Slovenian authorities have reacted to the observations made by the Committee of Experts in the first monitoring round. In the present report, the Committee of Experts will proceed by recalling each time the key elements of each issue, and by referring to the paragraphs of the first report containing the details of its reasoning, before evaluating how the Slovenian authorities have reacted.

72. Consequently, for the purposes of the present report, the Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first report and for which it did not receive any new elements requiring a revised assessment or a different presentation of their implementation. These provisions are listed below.

In the case of Hungarian:

- Article 8, paragraph 1.a; c; d; f; g; paragraph 2,
- Article 9, paragraph 2.a;
- Article 10, paragraph 2.c; e; g; paragraph 5;
- Article 11, paragraph 1.e.i; paragraph 2;
- Article 12, paragraph 1.a; d; e; f;
- Article 13, paragraph 1.a; paragraph 2.c;
- Article 14.a.

In the case of Italian:

- Article 8, paragraph 1.a; c; d; f; g; h; paragraph 2,
- Article 9, paragraph 1.a; b; c; d; paragraph 2.a;
- Article 10, paragraph 2.a; b; c; d; e; paragraph 5;
- Article 11, paragraph 1.e.i; paragraph 2;
- Article 12, paragraph 1.a; d; e; f;
- Article 13, paragraph 1.a;
- Article 14.a; b.

73. For these provisions, the Committee of Experts refers to the conclusions reached in its first report but reserves the right to evaluate the situation again at a later stage.

74. Finally, the paragraphs and sub-paragraphs that are quoted in bold italics are the obligations chosen by Slovenia.

2.3.1. The Hungarian language

**Article 8 – Education**

**Paragraph 1**

**“ With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:**

- “e i to make available university and other higher education in regional or minority languages; or**
- ii to provide facilities for the study of these languages as university and higher education subjects; or**
- iii if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;”**

75. In its first evaluation report (see paragraphs 103-105), the Committee of Experts considered this undertaking fulfilled, but encouraged the Slovenian authorities to accelerate the procedure for recognition of diplomas obtained in Hungary.

76. The Committee of Experts was informed during the on-the-spot visit that the problem of recognition regarding diplomas obtained in Hungary had been resolved, on the basis of a bilateral agreement with Hungary on mutual recognition of diplomas, as well as in the context of EU accession. Slovenia has also adopted a new act on the recognition of the equivalence of such diplomas, limiting the length of the recognition procedure to two months.

77. The Committee of Experts welcomes these developments and considers this undertaking fulfilled.

**“h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;”**

78. In its first evaluation report (see paragraphs 108-111), the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking, as it lacked information regarding the number of teachers trained to teach in the secondary bilingual school of Lendava/Lendva. It had also been informed that the delays in the recognition of diplomas obtained in Hungary had negative repercussions for the regular provision of teachers.

79. In the present monitoring round, the Committee of Experts has been informed that the University of Maribor provides basic teacher training for pre-school and primary school teachers, although no statistics are collected on the number of teachers trained. However, the Committee of Experts has been informed that within basic teacher training, limited provision is made for bilingual didactics, which should also be included in basic training.

80. There are also possibilities to receive training in Hungary for teaching at these levels, as well as at the secondary level, on the basis of the Agreement on Guaranteeing Special Rights of the Slovenian Minority Living in the Republic of Hungary and the Hungarian National Community in the Republic of Slovenia (Ur. I; RS-MP, No. 6/93). The Committee of Experts has also been informed by the Hungarian speakers that the procedure allowing graduates having studied in Hungary to teach at schools has been facilitated.

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81. During the on-the-spot visit, the Committee of Experts was informed by the Slovenian authorities that a significant number of teachers at lower levels had recently retired and that there might be a temporary shortage of teachers. The Committee of Experts encourages the Slovenian authorities to address this problem in order to find a rapid solution.

82. The Committee of Experts nevertheless considers this undertaking fulfilled at present.

***“i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.”***

83. In its first evaluation report (see paragraphs 112-113), the Committee of Experts was not in a position to conclude that this undertaking was fulfilled, as it appeared that the bodies referred to in the first periodical report (the Education Committee for National Communities set up within the Council of Experts of the Republic of Slovenia for General Education, as well as the Inspectorate for Education and Sport of the Republic of Slovenia) did not perform the tasks envisaged in this undertaking.

84. According to the information contained in the second periodical report (p. 31), the Education Committee for National Communities draws up opinions for the Council of Experts for General Education mentioned above, regarding the adoption of syllabuses, curricula, adaptation of programmes, etc. in the relevant areas. However, during the on-the-spot visit the Slovenian authorities stated that the existing bodies only supervise the implementation of Slovenian legislation, and do not carry out a separate supervision of Hungarian-language education, as envisaged by this undertaking. According to the second periodical report (p. 31), the authorities are “of the opinion that establishing a special supervisory body would not be economical, as representatives of national communities co-operate both in decision-making and in implementing tasks relating to their status in the field of education and training”.

85. The Committee of Experts stresses that the purpose of this undertaking is to set up a monitoring mechanism, which allows the authorities and the general public to follow the situation on the ground regarding regional or minority language education and the effects of existing protection measures. This is essential for identifying and tackling possible problems and would help the authorities to take appropriate decisions regarding further action.

86. Since there seems to be conflicting information regarding the task performed by the Education Committee for National Communities, the Committee of Experts asks the Slovenian authorities to clarify the precise functions performed by this body in the next periodical report. In addition, it notes that the reports of the body in question do not seem to be drawn up periodically or made public.

87. The Committee of Experts considers therefore that this undertaking is not fulfilled.

## **Article 9 – Judicial authorities**

### ***Paragraph 1***

***“ The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:***

***a in criminal proceedings:***

***i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages;***

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***if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;”***

***“b in civil proceedings:***

***i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or***

***if necessary by the use of interpreters and translations;”***

***“c in proceedings before courts concerning administrative matters:***

***i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or***

***if necessary by the use of interpreters and translations;”***

***“d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.”***

88. In its first evaluation report (see paragraphs 117-122), the Committee of Experts considered these undertakings formally fulfilled. It was of the view that there was a need to strengthen the measures aimed at ensuring implementation of these undertakings in practice. The main problems identified by the Committee of Experts was the absence of judges in the Prekmurje region with the necessary qualifications for conducting bilingual proceedings and the shortage of Hungarian-speaking lawyers.

89. According to the information provided by the President of Lendava/Lendva District Court during the on-the-spot visit, one out of the six judges at the Court obtained the necessary qualifications to conduct bilingual proceedings. The Court also adopted new rules of procedure in August 2005, allowing all judges to conduct proceedings bilingually with the help of an in-house interpreter. At least rudimentary knowledge of Hungarian is required when recruiting judicial staff. According to the statistics provided by the President, in the 2003-2005 period, 200 proceedings were conducted either bilingually or in Hungarian (194 of which concerned the Hungarian Community in Slovenia) and 208 decisions were given in Hungarian (197 of which concerned the Hungarian Community in Slovenia). Before each proceeding, the Court has an obligation to inform members of the Hungarian Community about the possibility of using Hungarian, non-compliance with which is considered a procedural flaw which invalidates subsequent proceedings.

90. The lack of Hungarian-speaking lawyers continues to hamper the use of Hungarian in court. The Committee of Experts encourages the Slovenian authorities to address this problem, in co-operation with the Bar Association, which is responsible in this field, possibly by facilitating the recognition of law degrees obtained in Hungary and the procedures to obtain equivalence in Slovenia.

91. Based on the information received during the on-the-spot visit, the Committee of Experts now considers that these undertakings are fulfilled.

**Article 10 – Administrative authorities and public services**

92. As stated above (see paragraph 19), the information contained in the second periodical report deals with Article 10 as a whole and does not provide information on the level of implementation of the individual undertakings entered into by Slovenia with respect to the Hungarian language. Also, the Slovenian authorities did not respond to the requests for further information contained in the Committee of Experts' first evaluation report. As a result, the Committee of Experts had to rely on information provided during the on-the-spot visit to conclude on the fulfilment of a number of these undertakings.

**Paragraph 1**

***“ Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:***

***a i to ensure that the administrative authorities use the regional or minority languages;”***

93. In its first evaluation report (see paragraphs 124-125), the Committee of Experts observed that the legal framework in Slovenia regarding the use of Hungarian in State administration was in conformity with this undertaking. However, it lacked information about the practical implementation of the existing legislation and was not in a position to conclude whether this undertaking was fulfilled in practice.

94. The second periodical report confines itself to referring to the legislative framework and does not provide any information on practical implementation. According to the information provided by the Hungarian speakers during the on-the-spot visit, communication with State administration in Hungarian is possible also in practice, but rarely takes place. The speakers were of the view that Hungarian-speakers are in general reluctant to use Hungarian, for fear of being seen as “trouble-makers” and due to a lack of measures of encouragement. They also stated that the exam results, which condition the salary increases for proficiency in Hungarian, do not necessarily reflect the civil servants' command of Hungarian. The authorities are encouraged to comment on this in their next periodical report.

95. In view of the fact that the authorities did not report on actual practice concerning this undertaking, the Committee of Experts considers that it is formally fulfilled. It encourages the Slovenian authorities to take measures to promote the use of Hungarian in State administration.

***“b to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;”***

96. In its first evaluation report (see paragraphs 126-127), the Committee of Experts noted that Slovenia's legal framework was in conformity with this undertaking. As for practical implementation, the Committee of Experts stated that the few elements at its disposal did not enable it to conclude on this undertaking, and encouraged Slovenia to provide more information in the next periodical report.

97. The second periodical does not provide the requested information. Nevertheless, information provided by the Hungarian speakers and the authorities during the on-the-spot visit suggests that bilingual forms and other administrative texts used by local branches of State administration are generally available in practice.

98. The Committee of Experts considers that this undertaking is fulfilled.

**“c to allow the administrative authorities to draft documents in a regional or minority language.”**

99. In its first evaluation report (see paragraph 128), the Committee of Experts could not conclude on this undertaking as it had received no information in this respect, and encouraged the authorities to provide further information in the next periodical report.

100. The second periodical report refers to Slovenia’s legal framework, which allows for the use of Hungarian in the local branches of State administration, in accordance with the Public Administration Act (see p. 42 of the second periodical report). According to this Act, in areas where Italian and Hungarian autochthonous national communities reside, the official languages of the administration shall also be Italian and Hungarian respectively. In these areas, the administration shall conduct business, proceedings and issue legal and other acts in the language of the national community, should clients be members of the Italian or Hungarian national community and should they make use of the Italian or Hungarian language.

101. The Committee of Experts encourages the authorities to provide information on the practical implementation of this undertaking in the next periodical report and will conclude on this undertaking after having received this information.

**Paragraph 2**

**“ In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:**

- a the use of regional or minority languages within the framework of the regional or local authority;”**
- b the possibility for users of regional or minority languages to submit oral or written applications in these languages;”**
- d the publication by local authorities of their official documents also in the relevant regional or minority languages;”**
- f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;”**

102. In its first evaluation report (see paragraph 129), the Committee of Experts stated that the limited information it had received indicated that as far as municipal administrations were concerned, these undertakings appeared to be fulfilled formally and in practice, and no serious complaints had been brought to the Committee of Experts’ attention in this respect. The Committee of Experts nonetheless requested the Slovenian authorities to provide further information and examples on the practical implementation of these undertakings in their next periodical report.

103. The second periodical does not provide the requested information. Nevertheless, information received from the Hungarian speakers and a representative of Lendava/Lendva municipality during the on-the-spot visit confirmed that the legal framework allowing for the use of Hungarian in municipal administration is also applied in practice. The Committee of Experts would welcome further information from the Slovenian authorities regarding the practical implementation of these undertakings.

104. The Committee of Experts considers that these undertakings are fulfilled.

**Paragraph 3**

**“ With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:**

- a to ensure that the regional or minority languages are used in the provision of the service;”**

105. The Committee of Experts observes that this undertaking concerns the use of regional or minority languages in relations with bodies providing public services, whether under public or private law, where they remain under public control (see paragraph 102 of the Charter’s Explanatory Report). These services could include, for example, postal services, telecommunication services, electricity, public transport, hospitals, etc. (see the second evaluation report in respect of Germany, ECRML (2006) 1, paragraph 210)

106. Slovenia did not specify in its declaration which of the sub-paragraphs of paragraph 3 should apply in the case of Hungarian. In accordance with its usual practice, the Committee of Experts therefore decided that sub-paragraph a) should apply, since the other options are incorporated in that undertaking. However, the Committee of Experts had not received any information about the implementation of this undertaking and therefore encouraged the Slovenian authorities to provide substantial information in their next periodical report (see paragraphs 132-134 of the first evaluation report).

107. The requested information has not been provided by the Slovenian authorities in the second periodical report, neither concerning the relevant legal framework, nor practical implementation. The little information received during the on-the-spot visit from the speakers, as well as the authorities, suggests that despite some legal provisions, there are serious problems regarding the use of Hungarian in the provision of public services.

108. Considering the authorities’ failure to provide relevant information in their periodical reports and indications of non-implementation regarding this undertaking, the Committee of Experts concludes that this undertaking is not fulfilled.

**The Committee of Experts encourages the authorities to take measures to ensure that Hungarian is used in the provision of public services.**

**Paragraph 4**

**“ With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:**

- a translation or interpretation as may be required;**
- b recruitment and, where necessary, training of the officials and other public service employees required;**
- c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.**

109. In its first evaluation report (see paragraphs 135-136), the Committee of Experts considered that these undertakings were fulfilled with regard to municipal administrations, but it was not in a position to conclude as far as local branches of the State administrations or public services were concerned. It therefore encouraged the Slovenian authorities to comment further on these undertakings in their next periodical report.

110. The requested information has not been provided by the Slovenian authorities in the second periodical report. However, the evidence received on the degree of practical implementation of undertakings regarding the use of Hungarian in relations with local branches of State administration suggests that Slovenia complies with sub-paragraph b. The Committee of Experts would nevertheless welcome further information about the way Slovenian legislation and practice complies with the other sub-paragraphs. As far as public services are concerned, the Committee of Experts received no evidence of these undertakings being implemented in practice.

111. The Committee of Experts considers these undertakings fulfilled with respect to the municipal authorities, partly fulfilled in relation to the local branches of State administration and not fulfilled with respect to public services.

## **Article 11 – Media**

### ***Paragraph 1***

***“ The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:***

***a to the extent that radio and television carry out a public service mission:***

***i to ensure the creation of at least one radio station and one television channel in the regional or minority languages;”***

112. In its first evaluation report (see paragraphs 138-141), the Committee of Experts considered this undertaking fulfilled with respect to radio, but not fulfilled concerning the creation of one television channel. It encouraged the Slovenian authorities, in close co-operation with the speakers, to consider ways for moving toward proper implementation of this undertaking with regard to television and take interim measures to increase the level of programming.

113. During its on-the-spot visit, the Committee of Experts' delegation had the opportunity to visit a radio and television studio in Lendava/Lendva, which was inaugurated after the adoption of the first evaluation report. The Committee of Experts commends the Slovenian authorities for having supported the setting-up of this studio which, according to representatives of the staff concerned, significantly improved technical and working conditions with respect to the preparation of Hungarian programmes.

114. However, while there is still a Hungarian-speaking radio station in accordance with this undertaking, the extent of television broadcasting in Hungarian has not changed at all since the Committee of Experts' last evaluation report (see p. 50 of the second periodical report), and cannot be considered equivalent to a Hungarian-speaking television channel. There is a wish within the Hungarian national community, as expressed by its representatives and its deputy, to increase the provision for Hungarian-language programmes on television.

115. The Committee of Experts therefore maintains its previous conclusion and considers that this undertaking is fulfilled with respect to radio and still only partly fulfilled with respect to television, as the undertaking requires the creation of a television channel. The Committee of Experts encourages the Slovenian authorities to gradually increase the provision for Hungarian in public television broadcasting.



### **Paragraph 3**

***“ The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.”***

116. In its first evaluation report (see paragraph 144), the Committee of Experts considered this undertaking fulfilled. It has been informed, however, that a new RTV Slovenija Act has been adopted and that it will lead to some changes regarding the representation of the Hungarian national community in RTV Slovenija bodies. According to the representatives of Hungarian-speakers, the concrete effects the new legislation would have on representation were still unclear. The speakers expressed their concern that it might have a negative impact on their representation in such bodies and their possibility to influence decisions that affect their language. While the Committee of Experts maintains its previous assessment that this undertaking is fulfilled, it reserves its position with respect to future developments. It requests the Slovenian authorities to provide more information on the new RTV Slovenija Act and its concrete repercussions for Hungarian-language media.

### **Article 12 – Cultural activities and facilities**

#### **Paragraph 2**

***“ In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.”***

117. In its first evaluation report (see paragraph 224), the Committee of Experts considered that this undertaking was not fulfilled. While it had been informed that cultural activities could be financed by the Ministry of Culture in areas where Hungarian is not traditionally used, no concrete examples had been provided.

118. The second periodical report provides examples of such activities. The authorities notably point to an initiative entitled the “Month of the Hungarian Culture in Slovenia”, which was held in 2004 (see p. 57 of the second periodical report). The Committee of Experts commends the Slovenian authorities for this activity and encourages them to continue organising such events in the future.

119. The Committee of Experts therefore considers that this undertaking is now fulfilled.

#### **Paragraph 3**

***“ The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.”***

120. In its first evaluation report (see paragraphs 150-152), the Committee of Experts was unable to conclude on this undertaking on the basis of the information at its disposal and requested the Slovenian authorities to provide concrete information on the measures taken to fulfil the objectives of this undertaking.

121. The second periodical report provides more information about the way in which the Hungarian national community’s cultural activities in Hungary are promoted. According to the information provided by the Ministry of Culture, the amount of SIT 7 800 000 (about € 32 500 in 2006) was granted to the Hungarian national community in 2004 for participations in cultural events in the Republic of Hungary and co-operation with cultural institutions in Budapest.

122. Representatives of the Ministry of Foreign Affairs also informed the Committee of Experts during the on-the-spot visit that a booklet published in English, "Ethnic Minorities in Slovenia", is distributed when Slovenia is promoted abroad.

123. The Committee of Experts considers this undertaking fulfilled.

### Article 13 – Economic and social life

#### Paragraph 1

*“ With regard to economic and social activities, the Parties undertake, within the whole country:*

***b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;”***

124. In its first evaluation report (see paragraph 154), the Committee of Experts stated that it had not received any specific information concerning the implementation of this undertaking and it encouraged the Slovenian authorities to provide information in the next periodical report. The second periodical report again fails to provide specific information about the way in which the Slovenian legislation complies with this obligation. The Committee of Experts therefore urges the authorities to provide this information in their next periodical report.

***c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;***

***d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.***

125. The Committee of Experts refers to its detailed analysis of problems regarding the implementation of these undertakings in Slovenia in its first evaluation report (see paragraphs 155-159). The Committee of Experts noted in particular that rules concerning bilingualism in the private sector were often not put into practice, but that authorities were reluctant to impose these legal standards for fear of discouraging private investments, which were greatly needed given the economic climate in the Prekmurje region. The Committee of Experts considered that these undertakings were only partly fulfilled and encouraged the Slovenian authorities to further implement these provisions and in particular to introduce incentives for private firms and organisations to implement bilingualism in the Prekmurje region and in this respect to provide the appropriate assistance to the municipalities concerned.

126. In their second periodical report, the Slovenian authorities concede that there is a wide gap between adopted legal provisions and implementation in the economic area and state that solutions to this problem have been proposed by the Government Office for Nationalities in the framework of a wider analysis (see p. 58). However, the Committee of Experts has not been informed about the contents of this proposal; or any measures taken in response to it.

127. The second periodical report refers to the adoption of an Act amending the Consumer Protection Act. Article 2 of the amended Consumer Protection Act provides that “Companies must do business with consumers in the Slovene language, and in the areas of autochthonous settlement of the Italian or Hungarian national communities, they must also do business in the language of the respective national community“. However, the Committee of Experts was informed during the on-the-spot visit that the application of this provision had been suspended by the Constitutional Court, pending judgement regarding its compatibility with the Slovenian Constitution. According to the information received by the Committee of Experts, the Constitutional Court ruled on 20 April 2006 (U-I-218/04) that the Act was only inconsistent with the Constitution in so far as it did not determine a time limit for the adjustment of the business operations of commercial enterprises. The Constitutional Court extended the suspension by six months in order to allow the legislator to remedy this. The Committee of Experts looks forward to receiving

information in the next periodical report about the practical consequences of the new Consumer Protection Act following its entry into force.

128. The Committee of Experts therefore maintains its previous assessment and considers these undertakings partly fulfilled.

**Paragraph 2**

**“ With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:**

- a to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;”**

129. In its first evaluation report (see paragraph 160), the Committee of Experts stated that it did not appear that any such provisions existed in the regulations referred to in this undertaking and concluded that this undertaking was not fulfilled. The second periodical report contains no further information regarding the implementation of this undertaking, and the Committee of Experts has received no evidence suggesting that it is implemented in practice. The Committee of Experts therefore maintains its previous assessment and considers that this undertaking is not fulfilled, and urges the Slovenian authorities to provide the requested information in their next periodical report.

- “b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;”**

130. In its first evaluation report (see paragraph 161), the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking due to the absence of relevant information. It encouraged the Slovenian authorities to provide such information in the next periodical report.

131. The second periodical report does not contain the requested information. The Committee of Experts is aware that there are practical problems in receiving public services in Hungarian in the Prekmurje region (see also paragraphs 107-108 above). It has not received any evidence concerning the organisation of relevant activities to promote the use of Hungarian in the public sector.

132. The Committee of Experts considers that this undertaking is not fulfilled, and urges the Slovenian authorities to provide the requested information in their next periodical report.

- “d to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;”**

133. In its first evaluation report (see paragraph 163), the Committee of Experts considered that the information it had received was insufficient to conclude on this undertaking and encouraged the Slovenian authorities to provide the relevant information in the next periodical report.

134. The second periodical report does not provide the specific information requested by the Committee of Experts. It refers to the amended Consumer Protection Act (see paragraph 127 above), the application of which was suspended by the Constitutional Court. According to the information provided by the Hungarian speakers, the drawing up of safety instructions also in Hungarian is currently arbitrary and the implementation of this undertaking is not systematically ensured by the authorities.

135. The Committee of Experts therefore considers that this undertaking is partly fulfilled, and encourages the Slovenian authorities to provide the requested information in their next periodical report.

- e** *to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.*

136. In its first evaluation report (see paragraph 164), the Committee of Experts was not in a position to conclude on this undertaking, as it had not received any information in this respect. No relevant information was provided in the second periodical report and the Committee of Experts has received no evidence indicating that this undertaking is implemented in practice. The Committee of Experts therefore urges the authorities to provide this information in their next periodical report.

#### **Article 14 – Transfrontier exchanges**

*“ The Parties undertake:*

- b** *for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

137. As the Government had provided very little information in this respect, the Committee of Experts was not in a position to conclude on this undertaking (see paragraph 166 of the first evaluation report) and encouraged the Slovenian Government to provide more information in the next periodical report.

138. The second periodical report does not provide the information requested by the Committee of Experts. However, the Committee of Experts has been informed by a representative of the Lendava/Lendva municipality that the municipality co-operates directly with the neighbouring Hungarian municipality, and that joint events are occasionally held.

139. The Committee of Experts is unable to conclude on this undertaking and urges the authorities to provide information with regard to such co-operation and measures taken to facilitate and/or promote it.

2.3.2. The Italian language

**Article 8 – Education**

**Paragraph 1**

**“ With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:**

- “e i to make available university and other higher education in regional or minority languages; or**
- ii to provide facilities for the study of these languages as university and higher education subjects; or**
- iii if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;”**

140. In its first evaluation report (see paragraphs 176-178), the Committee of Experts considered this undertaking fulfilled, but encouraged the Slovenian authorities to accelerate the procedure for recognition of diplomas obtained in Italy. It had also been made aware that a new university was to be created in the coastal area. Considering that this would have an impact on the implementation of this undertaking, the Committee of Experts requested further information about this development in Slovenia's next periodical report.

141. The Committee of Experts was informed during the on-the-spot visit that, as already mentioned in relation to Hungarian (see paragraph 80 above), there have been positive developments regarding the recognition of diplomas obtained abroad, including those obtained in Italy. The Italian speakers informed the Committee of Experts that they expected the situation to further improve, as the university system in Italy is being reformed, bringing the two systems closer. According to the speakers, some minor problems nevertheless persist, particularly for subjects such as pharmacy, where the equivalence of degrees is more difficult to prove and requires a costly procedure.

142. According to the information provided in the second periodical report and by the Italian speakers during the on-the-spot visit, the establishment of the University of Primorska had a very positive impact for the Italian language. The Committee of Experts is also pleased to note that the name of the university has been made bilingual (Univerza na Primorskem/Università del Litorale) (in this respect, see paragraph 233 of the first evaluation report). According to the information contained in the second periodical report, Italian language and literature can be studied at this university, which also offers the possibility to present doctoral and diploma theses in Italian.

143. The Committee of Experts welcomes these developments and considers this undertaking fulfilled.

- “i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.”**

144. In its first evaluation report (see paragraphs 182-183), the Committee of Experts was not in a position to conclude that this undertaking was fulfilled, as it appeared that the bodies referred to in the first periodical report (the Education Committee for National Communities set up within the Council of Experts of the Republic of Slovenia for General Education, as well as the Inspectorate for Education and Sport of the Republic of Slovenia) did not perform the tasks envisaged in this undertaking.

145. According to the information contained in the second periodical report (p. 31), the Education Committee for National Communities “draws up opinions for the Council of Experts regarding the adoption of syllabuses, curricula, adaptation of programmes, etc. “ in the relevant areas. During the on-the-spot visit, the Slovenian authorities clarified that the existing bodies only supervise the implementation of Slovenian legislation, and do not carry out a separate supervision of Italian-language education, as envisaged by this undertaking. According to the second periodical report (p. 31), the authorities are “of the opinion that establishing a special supervisory body would not be economical, as representatives of national communities co-operate both in decision-making and in implementing tasks relating to their status in the field of education and training”.

146. The Committee of Experts stresses that the purpose of this undertaking is to set up a monitoring mechanism, which allows the authorities and the general public to follow the situation on the ground regarding regional or minority language education and the effects of existing protection measures. This is essential for identifying and tackling existing problems and would help the authorities to take appropriate decisions regarding further action.

147. Since there seems to be conflicting information regarding the task performed by the Education Committee for National Communities, the Committee of Experts requests the Slovenian authorities to clarify the precise functions performed by this body in the next periodical report. In addition, it notes that the reports of the body in question do not seem to be drawn up periodically or made public.

148. The Committee of Experts considers therefore that this undertaking is not fulfilled.

#### **Article 10 – Administrative authorities and public services**

149. As stated above (see paragraph 19), the information contained in the second periodical report deals with Article 10 as a whole and does not provide information on the level of implementation of the individual undertakings entered into by Slovenia with respect to the Italian language. Also, the Slovenian authorities did not respond to the requests for further information contained in the Committee of Experts’ first evaluation report. As a result, the Committee of Experts had to rely on information provided during the on-the-spot visit to conclude on the fulfilment of a number of these undertakings.

##### **Paragraph 1**

**“ Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:**

- a i to ensure that the administrative authorities use the regional or minority languages;”**

150. In its first evaluation report (see paragraphs 190-193), the Committee of Experts observed that the legal framework in Slovenia regarding the use of Italian in State administration was in conformity with this undertaking. However, serious problems had been brought to its attention regarding the practical implementation of this legal framework, which were mainly linked to the recruitment policy in the local branches of the State administration. In view of these serious shortcomings, the Committee of Experts considered that this undertaking was not fulfilled. It encouraged the Slovenian authorities to adopt measures with a view to ensuring that an appropriate share of the administrative staff posted in the “ethnically mixed areas” is adequately trained to use Italian and made fully aware of the bilingual character of these areas.

151. The second periodical report confines itself to referring to the legislative framework again and does not provide any information on practical implementation or measures taken to tackle the serious shortcomings identified by the Committee of Experts. According to the information obtained during the on-the-spot visit, recent amendments to the Act on Public Administration (Ur. I. RS, no. 52/2002 ... 97/2004)

represent an improvement in the legal framework, but did not lead to significant changes on the ground. The representatives of the Italian-speakers were of the view that many speakers are reluctant to ask for services in Italian, due to a perceived pressure not to use this language in dealings with the administration.

152. During the on-the-spot visit, the Committee of Experts was informed of problems in the recruitment of bilingual staff for the State administration in the mixed areas. Representatives of the speakers reported that the Minister of Public Administration had recently annulled a tender for the position of head of department in a relevant branch of State administration, on the grounds that active knowledge of Italian required in the description of the post was discriminatory and unfavourable to the Slovene-speaking majority. While the Committee of Experts lacks sufficient information to comment on the individual case, it must stress in general that the fulfilment of the chosen undertaking is dependent on the existence of a bilingual staff in the relevant region. The Committee of Experts requests the Slovenian authorities to inform it on the human resources policies concerning the linguistic skills of administrative staff in the mixed areas.

153. Pending further information, the Committee of Experts maintains its previous assessment and must conclude that this undertaking is not fulfilled.

***The Committee of Experts encourages the Slovenian authorities to take proactive measures to promote the use of Italian in local branches of State Administration.***

***“b to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;”***

154. In its first evaluation report (see paragraph 194), the Committee of Experts observed that while some widely used administrative texts and forms also existed in Italian, for the most part these administrative documents were provided only in Slovenian. It therefore considered that this undertaking was only partly fulfilled and encouraged the Slovenian authorities to ensure that administrative texts and forms widely used in the local branches of the State administration are made available also in the Italian language.

155. The second periodical report does not refer to any measures taken to remedy the shortcomings identified by the Committee of Experts in its first evaluation report. According to the information provided by the Italian-speakers during the on-the-spot visit, even documents and forms in Italian, which used to be available online on the websites of the relevant branches of State administration, had been withdrawn from these websites. The representatives of the Slovenian authorities informed the Committee of Experts that this was a temporary situation resulting from the updating of the websites in question and that paper versions of the forms were still available in the administrative offices. The Committee of Experts hopes that a rapid solution will be found to this problem.

156. The Committee of Experts maintains its previous assessment and considers that this undertaking is still only partly fulfilled.

***“c to allow the administrative authorities to draft documents in a regional or minority language.”***

157. In its first evaluation report (see paragraph 195), the Committee of Experts observed that the practical implementation of this undertaking was likewise affected by serious shortcomings. It considered, therefore, that it was not fulfilled and encouraged the Slovenian authorities to take the necessary measures to foster the practical implementation of this undertaking.

158. The second periodical report refers to Slovenia’s legal framework, which allows for the use of Italian in the local branches of State administration, in accordance with the Public Administration Act (see p. 42 of the second periodical report). According to this Act, in areas where Italian and Hungarian autochthonous national communities reside, the official languages of the administration shall also be

Italian and Hungarian respectively. In these areas, the administration shall conduct business, proceedings and issue legal and other acts in the language of the national community, should clients be members of the Italian or Hungarian national community and should they make use of the Italian or Hungarian language.

159. The Committee of Experts encourages the authorities to provide information on the practical implementation of this undertaking in the next periodical report and will conclude on this undertaking after having received this information.

**Paragraph 2**

***“ In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:***

***f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;”***

160. In its first evaluation report (see paragraph 201), the Committee of Experts noted that the legal possibility of using Italian in municipal councils existed, but requested further information on how the local authorities are encouraged to improve the practical implementation of this undertaking, in particular with regard to the provision of simultaneous interpretation. It was therefore not in a position to conclude on this undertaking.

161. The requested information is not provided in the second periodical report. According to the information received from the Italian-speakers, in the municipal council meetings of the municipalities of Izola/Isola and Piran/Pirano, councillors can use Italian as most of the members have at least a passive knowledge of the language. The situation is different in Koper/Capodistria, as some councillors do not come from “ethnically mixed areas”, and the majority of them do not understand Italian. Thus, the council meetings take place only in Slovene and no interpretation is provided. The Committee of Experts considers that the central authorities have an obligation under this undertaking to encourage the use of Italian in the municipal council concerned, for example by providing the additional funds required for interpretation (see the first evaluation report in respect of Finland, ECRML (2001) 3, paragraph 164). The Committee has not received information on the existence of any measures of encouragement in this respect.

162. The Committee of Experts considers, therefore, that this undertaking is fulfilled in Izola/Isola and Piran/Pirano and only formally fulfilled in Koper/Capodistria. It encourages the Slovenian authorities to promote the use of Italian in all relevant municipalities, including, where necessary, by providing financial resources for interpretation.

***g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.”***

163. In its first evaluation report (see paragraphs 204-205), the Committee of Experts observed that the statutes of the municipalities concerned contained provisions to this effect and that the practice by and large corresponded to this undertaking. However, it had received complaints regarding the adoption of place-names for new districts inside the “ethnically mixed areas”, where only Slovenian place-names had been used. It considered, therefore, that this undertaking was only partly fulfilled and encouraged the Slovenian authorities to ensure the use of bilingual place-names also in the new districts set up within the “ethnically mixed areas”.

164. The second periodical report does not provide information regarding measures taken in response to the Committee of Experts’ comments. According to the Italian-speakers, problems remain, in particular



in Izola/Isola, due to the administrative difficulties involved in changing names. During the on-the-spot visit, the authorities informed the Committee of Experts that according to their knowledge there were no such problems. The Committee of Experts encourages the authorities to clarify this in co-operation with the speakers and to report on this in the next periodical report.

165. This undertaking nevertheless seems to be fulfilled.

**Paragraph 3**

**“ With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:**

**a to ensure that the regional or minority languages are used in the provision of the service;”**

166. The Committee of Experts observes that this undertaking concerns the use of regional or minority languages in relations with bodies providing public services, whether under public or private law, where they remain under public control (see paragraph 102 of the Charter’s Explanatory Report). These services could include, for example, postal services, telecommunication services, electricity, public transport, hospitals, etc. (see the second evaluation report in respect of Germany, ECRML (2006) 1, paragraph 210)

167. Slovenia did not specify in its declaration which of the sub-paragraphs of paragraph 3 should apply in the case of Italian. In accordance with its usual practice, the Committee of Experts therefore decided that sub-paragraph a) should apply, since the other options are incorporated in that undertaking. In its first evaluation report (see paragraphs 206-211), the Committee of Experts considered that this undertaking was only partly fulfilled. Despite the co-official status of the Italian language in the areas concerned, the Committee of Experts had received substantial complaints that invoices and documents sent by public service providers, such as the electricity company or the water board, were only in Slovenian. The Committee of Experts was particularly concerned about RTV Slovenija’s refusal to comply with a court judgement concerning the use of Italian in its invoices (see paragraph 210).

168. The second periodical report does not react to the problems raised by the Committee of Experts in its first evaluation report. During the second on-the-spot visit, the Italian-speakers expressed their view that the situation concerning the use of Italian in public services had even substantially deteriorated since the first monitoring round. According to the information provided, since the Constitutional Court suspended the application of Article 2 of the new Consumer Protection Act (see paragraph 127 above), the use of Italian by public service providers seems to have become more arbitrary. The Italian-speakers stated that invoices of all public utilities had become monolingual. No progress has been made regarding the implementation of the court judgement concerning RTV Slovenija, which continues to refuse to use Italian, on the grounds that its headquarters are in Ljubljana. The Slovenian authorities seem to have adopted a passive approach in this regard, rather than intervening to remedy the problem.

169. In the light of these developments, the Committee of Experts revises its previous assessment and considers that this undertaking is not fulfilled.

**The Committee of Experts urges the Slovenian authorities to ensure that Italian is used in the provision of public services in the areas concerned and that Slovenia’s legal framework in this field is consistently applied.**

**Paragraph 4**

**“ With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:**

- a translation or interpretation as may be required;**
- b recruitment and, where necessary, training of the officials and other public service employees required;**
- c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.**

170. In its first evaluation report (see paragraphs 135-136), the Committee of Experts considered that these undertakings were fulfilled with regard to municipal administrations, but that there was no practical implementation as far as local branches of State administration were concerned.

171. The second periodical report does not provide any further information in this respect. The Committee of Experts observes that the lack of implementation of undertakings relating to local branches of State administration and public services suggests that these undertakings are likewise not implemented.

172. The Committee of Experts therefore maintains its previous assessment and considers these undertakings fulfilled with respect to the municipal administrations, partly fulfilled in relation to the local branches of State administration and not fulfilled with respect to public services.

**Article 11 – Media**

**Paragraph 1**

**“ The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:**

- a to the extent that radio and television carry out a public service mission:**
  - i to ensure the creation of at least one radio station and one television channel in the regional or minority languages;”**

173. In its first evaluation report (see paragraph 214-216), the Committee of Experts considered this undertaking fulfilled. It had been informed, however, that a recovery programme was to be implemented with respect to Italian-language radio and TV. It requested further information on this programme and its effects in Slovenia’s next periodical report. The requested information has not been provided by the Slovenian authorities. The Committee of Experts still considers this undertaking fulfilled at present, but urges the Slovenian authorities to provide the requested information in their third periodical report.

**Paragraph 3**

**“ The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.”**

174. In its first evaluation report (see paragraph 144), the Committee of Experts considered this undertaking fulfilled. It has been informed, however, that a new RTV Slovenija Act has been adopted and

that it will lead to some changes regarding the representation of the Italian national community in RTV Slovenija bodies. According to the representatives of Italian-speakers, the concrete effects the new legislation would have on representation were still unclear. The speakers expressed their concern that it might have a negative impact on their representation in such bodies and their possibility to influence decisions that affect their language. While the Committee of Experts maintains its previous assessment that this undertaking is fulfilled, it reserves its position with respect to future developments. It requests the Slovenian authorities to provide more information on the new RTV Slovenija Act and its concrete repercussions for Italian-language media.

## **Article 12 – Cultural activities and facilities**

### **Paragraph 2**

***“ In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.”***

175. In its first evaluation report (see paragraph 148), the Committee of Experts considered that this undertaking was not fulfilled. While it had been informed that cultural activities could be financed by the Ministry of Culture in areas where Italian is not traditionally used, no concrete examples had been provided. The second periodical report does not provide any examples of cultural activities or facilities promoting the Italian language outside the coastal municipalities. The Committee of Experts maintains its previous assessment that this undertaking is not fulfilled, and encourages the Slovenian authorities to provide the requested information on cultural activities promoted by the Slovenian authorities in parts of Slovenia other than the coastal municipalities.

### **Paragraph 3**

***“ The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.”***

176. In its first evaluation report (see paragraphs 225-227), the Committee of Experts was unable to conclude on this undertaking on the basis of the information at its disposal and requested the Slovenian authorities to provide concrete information on the measures taken to fulfil the objectives of this undertaking.

177. The second periodical report provides more information about the way in which the Italian national community's cultural activities in Italy and Croatia are promoted. According to the information provided by the Ministry of Culture, the amount of SIT 14 377 175 (about € 60 000 in 2006) was granted to the Italian national community in 2004 for participations in cultural events in Italy and Croatia and for visits of artists from these countries.

178. Representatives of the Ministry of Foreign Affairs also informed the Committee of Experts during the on-the-spot visit that a booklet published in English, “Ethnic Minorities in Slovenia”, is distributed when Slovenia is promoted abroad.

179. The Committee of Experts considers this undertaking fulfilled.

## **Article 13 – Economic and social life**

### **Paragraph 1**

***“ With regard to economic and social activities, the Parties undertake, within the whole country:***

**b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;"**

180. In its first evaluation report (see paragraph 229), the Committee of Experts stated that it had not received any specific information concerning the implementation of this undertaking and it encouraged the Slovenian authorities to provide information in the next periodical report. The second periodical report again fails to provide specific information about the way in which the Slovenian legislation complies with this obligation. The Committee of Experts therefore urges the authorities to provide this information in their next periodical report.

**c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;**

181. In its first evaluation report (see paragraph 230), the Committee of Experts was unable to consider this undertaking fulfilled, as it had not been informed of any legislative or practical measures taken by the Slovenian authorities to oppose the practices referred to in this provision. The second periodical report does not contain any further information in this respect. The Committee of Experts therefore urges the authorities to provide this information in the next periodical report.

**d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.**

182. The Committee of Experts refers to its detailed analysis of problems regarding the implementation of this undertaking in Slovenia in its first evaluation report (see paragraphs 231-234). The Committee of Experts acknowledged that efforts had been made to facilitate the use of Italian, as seen in the statute of the municipality of Koper/Capodistria and in Article 4 of its Decree on the Implementation of Bilingualism. There were however practical difficulties, such as the issue concerning the name of the port of Koper/Capodistria or the name of the future university to be established in the region. The Committee of Experts did not conclude on this undertaking and requested the Slovenian authorities to provide additional information in their next report.

183. In their second periodical report, the Slovenian authorities concede that there is a wide gap between adopted legal provisions and implementation in the economic area and state that solutions to this problem have been proposed by the Government Office for Nationalities in the framework of a wider analysis (see p. 58). However, the Committee of Experts has not been informed about the contents of this proposal or any measures taken in response to it.

184. The second periodical report also refers to the adoption of an Act amending the Consumer Protection Act. Article 2 of the amended Consumer Protection Act provides that "Companies must do business with consumers in the Slovene language, and in the areas of autochthonous settlement of the Italian or Hungarian national communities, they must also do business in the language of the respective national community". The Committee of Experts was informed during the on-the-spot visit that the application of this provision had been suspended by the Constitutional Court (see paragraph 127 above). The Committee of Experts would welcome further information in the next periodical report about the practical consequences of the Consumer Protection Act on the implementation of this undertaking following the Act's entry into force.

185. As regards the problems raised in the first evaluation report by the Committee of Experts, the issue regarding the name of the university has been resolved (see paragraph 142 above), whereas the name of the port remains monolingual.

186. The Committee of Experts commends the Slovenian authorities' efforts to facilitate and/or encourage the use of regional or minority languages by means other than those specified under sub-paragraphs a to c. The Committee of Experts nevertheless considers that this undertaking is partly fulfilled at present, and encourages the authorities to address the problems they have identified.

**Paragraph 2**

**“ With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:**

- a to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;”**

187. In its first evaluation report (see paragraph 235), the Committee of Experts was not in a position to conclude on this undertaking, due to the lack of information provided by the authorities. The second periodical report contains no further information regarding the legislative implementation of this undertaking, and the Committee of Experts has received no evidence suggesting that it is implemented in practice. The Italian-speakers informed the Committee of Experts that all financial documents are invariably only in Slovene. The Committee of Experts therefore considers that this undertaking is not fulfilled, and urges the Slovenian authorities to provide the requested information in their next periodical report.

- “b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;”**

188. In its first evaluation report (see paragraph 235), the Committee of Experts was not in a position to conclude on the fulfilment of this undertaking due to the absence of relevant information. It encouraged the Slovenian authorities to provide such information in the next periodical report.

189. The second periodical report does not contain the requested information. The Committee of Experts is aware that there are practical problems in receiving public services in Italian in the coastal regions (see also paragraph 168 above). It has not received any evidence concerning the organisation of relevant activities to promote the use of Italian in the public sector. A more pro-active approach by the Slovenian authorities is needed to implement this undertaking.

190. The Committee of Experts considers that this undertaking is not fulfilled, and urges the Slovenian authorities to provide the requested information in their next periodical report.

- “c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;”**

191. In its first evaluation report (see paragraphs 236-237), the Committee of Experts observed that there was a lack of Italian-speaking specialised healthcare personnel in the coastal municipalities, while ancillary staff generally had Italian skills. However, the information provided to the Committee of Experts was not sufficient to conclude on this undertaking. The Committee of Experts therefore encouraged the Slovenian authorities to provide further information in their next periodical report, in particular on the situation in non-medical care facilities, such as retirement homes and hostels, as well as on the presence of specialised medical staff with a knowledge of Italian.

192. The second periodical report contains no information in relation to social care facilities. The Italian speakers informed the Committee of Experts that there had been no changes in this area since the first evaluation report and that there were severe problems regarding the use of Italian in social care facilities.

193. The Committee of Experts considers that this undertaking is partly fulfilled, and encourages the Slovenian authorities to provide the requested information in their next periodical report.

**“d to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;”**

194. In its first evaluation report (see paragraph 238), the Committee of Experts considered that the information it had received was insufficient to conclude on this undertaking and encouraged the Slovenian authorities to provide the relevant information in the next periodical report.

195. The second periodical report does not provide the specific information requested by the Committee of Experts. It refers to the amended Consumer Protection Act (see paragraph 134 above), the application of which has been suspended by the Constitutional Court. According to the information provided by the Italian-speakers, safety instructions, such as instructions in lifts or fire instructions, are rarely available in Italian. It appears that the implementation of this undertaking is not systematically ensured by the authorities.

196. The Committee of Experts therefore considers that this undertaking is partly fulfilled, and encourages the Slovenian authorities to provide the requested information in their next periodical report.

**e to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.**

197. In its first evaluation report (see paragraph 238), the Committee of Experts was not in a position to conclude on this undertaking, as it had not received any information in this respect. No relevant information was provided in the second periodical report and the Committee of Experts has received no evidence indicating that this undertaking is implemented in practice. The Committee of Experts therefore urges the authorities to provide this information in their next periodical report.

## Chapter 3. Conclusions

### 3.1. Conclusions of the Committee of Experts on how the Slovenian authorities reacted to the recommendations of the Committee of Ministers

#### Recommendation No. 1:

*“reconsider its position on the Croatian language from the point of view of the Charter, identify the geographical areas in which Croatian is covered by the Charter and apply Article 7 in respect of this language; clarify the issue of the traditional presence of the Serbian language and of the Bosnian language in Slovenia in co-operation with the speakers of the respective languages;”*

No progress has been made to implement this recommendation. While the second periodical report refers to two studies dealing with the status and position of Croats, Serbs and Bosniacs in Slovenia (see paragraph 23 above), the Committee of Experts has not received any information about the contents of these studies in so far as they relate to regional or minority languages, or about the measures envisaged on the basis of their findings. Consultation with the speakers of the regional or minority languages concerned appear to have been very limited or inadequate. The authorities could also not inform the Committee of Experts whether consultations were envisaged with the speakers of these three languages on the basis of these studies. The official position of the Slovenian authorities is to consider these languages as immigrant languages, despite evidence pointing to their traditional presence on Slovenian territory, in particular for the Croatian language.

#### Recommendation No. 2:

*“apply Part II protection to German as a regional or minority language in Slovenia within the meaning of the Charter and strengthen in particular the provision of teaching of or in German as a regional or minority language, with priority for the Kočevje area;”*

The Slovenian authorities confirmed that German has been traditionally spoken in Slovenia. However, Slovenia’s domestic legislation still makes no provision to recognise German in Slovenia as a regional or minority language and as an expression of Slovenia’s cultural wealth, which has important repercussions for the implementation of other Part II provisions (see paragraphs 29-31 above). There is no pre-school education in German. It is taught as a foreign language at other levels. No model has been developed to teach German as a regional or minority language in the Slovenian education system or to teach subjects through the medium of this language. The Committee of Experts is not aware of any initiatives to provide teaching of the German variety traditionally spoken in the Kočevje area, which is in danger of extinction.

#### Recommendation No. 3:

*“ensure that the necessary integration of Romani speakers to allow their full participation in economic, social and political life also preserves their linguistic and cultural identity; engage in a process of development of Romani as a written language, in particular through standardisation, preferably at European level, in close co-operation with the representatives of all the Roma communities present in Slovenia as well as with the other European States concerned, and strengthen the teaching of the Romani language at least at lower grades even while the standardisation process is under way;”*

Work on the codification of two varieties of Romani is in progress and a dictionary is being prepared by the Faculty of Arts of the University of Ljubljana (see paragraph 65 above), although the Committee of Experts received no evidence of European co-operation in this field. There is still no teaching of Romani at schools. However, a “Strategy for Education of Roma in the Republic of Slovenia” was adopted in 2004. The implementation of this strategy would significantly improve the situation of the Romani language in the Slovenian education system (see paragraphs 62-64 above). Following the abolition of the segregated “special classes”, there have been certain attempts by non-Roma parents to reintroduce a system of

## Conclusions

segregation of Roma children (see paragraph 68 above), but the authorities should be commended for having resisted these attempts and having maintained mixed classes.

### **Recommendation No. 4:**

*“take the necessary measures to encourage the use of the Hungarian language in the context of court proceedings and economic life in the ethnically mixed areas concerned;”*

Progress has been made in relation to the use of Hungarian in courts (see paragraph 89 above). However, the situation remains problematic in the field of economic activities. The Slovenian authorities admit that there is a wide gap between the legislative framework and the actual practice of economic actors. There is a clear need for a more pro-active approach by the Slovenian authorities with a view to ensuring a more systematic enforcement of the applicable legislation.

### **Recommendation No. 5:**

*“establish a strategy to strengthen the use of the Italian language in the context of public administration and public services in the areas currently defined as “ethnically mixed”, and progressively extend the scope of the protection currently provided for the Italian language in the “ethnically mixed areas” to the other areas of the three municipalities concerned, to be identified in co-operation with the speakers, where there is a stable presence of Italian speakers;”*

While the right to use Italian with municipal authorities seems to be guaranteed in practice, problems remain regarding the use of the Italian language in relations with local branches of State administration in the “ethnically mixed areas”. The situation with respect to the availability of public services in Italian has deteriorated since the adoption of this recommendation (see paragraphs 168 above).

No attempts have been made to extend the territorial scope of the protection currently provided, on the grounds that the demographic changes in the area were not of a nature to require an extension of the “ethnically mixed areas”. Furthermore, the Slovenian authorities state in their second periodical report (see p. 13) that any change in the status and role of self-governing national communities would require the amendment of the Constitution. A continued dialogue between the speakers and the local authorities on this issue is clearly needed.

### **Recommendation No. 6:**

*“make its periodical reports on the implementation of the Charter public.”*

The second periodical report was made public by the authorities. It was also translated into Slovene and distributed to the speakers of regional or minority languages by the documentation centre of the Council of Europe in Ljubljana.



### 3.2. Findings of the Committee of Experts

A. The Committee of Experts appreciates the good co-operation it enjoyed with the Slovenian authorities, in particular regarding the organisation of the second on-the-spot visit and information provided during this visit. As noted by the Committee of Experts in its first evaluation report, Slovenia has a very high legal standard of protection for the Hungarian and Italian languages, which it has maintained and developed since the first evaluation report. While there are still gaps in the implementation of this legal framework in certain areas, Slovenia should be complimented for its continued commitment to the protection and the promotion of the Hungarian and Italian languages, as well as for its efforts to protect Romani.

B. However, the Committee of Experts regrets the fact that, on the whole, Slovenia's second periodical report does not respond to the observations and requests for further information contained in its first evaluation report. Also, the information provided with respect to Part II and Part III undertakings is general in nature and does not provide specific details regarding the implementation of individual undertakings. This significantly reduces the efficiency of the Charter's monitoring mechanism, which is based on a continuous dialogue with the authorities. In view of the lack of the pertinent information which it had requested in its first evaluation report, the Committee of Experts was not able to evaluate the implementation of a number of undertakings or had to rely exclusively on information provided during the on-the-spot visit.

C. There have been encouraging developments with respect to the protection and promotion of the Romani language, the most important of which is the adoption of a "Strategy for Education of Roma in the Republic of Slovenia" in 2004 (see paragraph 62-63). The authorities should take resolute action to implement this strategy, with a view to introducing Romani teaching at schools. Codification of two varieties of Romani is still in progress and should be pursued. Although at present there are no qualified Romani-speaking teachers, the authorities have organised training for Roma teaching assistants. The Committee of Experts welcomes this pragmatic and flexible approach, which should be seen as a step towards achieving the goal of having fully qualified Roma teachers. It also commends the authorities for opposing attempts to reintroduce segregation of Romani-speaking pupils at schools (see paragraph 68). There is a need for continued efforts to oppose intolerance and to promote awareness and acceptance of the Romani language and culture as an integral part of Slovenia's cultural wealth.

D. Some groups of Romani-speakers, such as the Roma in Maribor, are excluded from certain special protection measures which are designed only for traditionally settled Roma in Slovenia. Bearing in mind that the Charter protects languages and given the status of Romani as a non-territorial language in Slovenia, the Slovenian authorities should harmonise the level of provision for Romani for all speakers of this language.

E. In its first evaluation report, the Committee of Experts raised the question regarding the application of Part II of the Charter to a number of languages not mentioned in Slovenia's declarations. The Committee of Experts thus examined the situation of the German, Croatian, Serbian and Bosnian languages as regional or minority languages in Slovenia, following evidence received suggesting that they may correspond to the Charter's definition of regional or minority languages, which would qualify them for Part II protection.

F. With respect to German, the Slovenian authorities confirm that it has been traditionally spoken in Slovenia. Thus, German in Slovenia corresponds to the Charter's definition of a regional or minority language, which implies that provisions of Part II apply to this language. However, the second periodical report contains no information about the application of Part II provisions to the German language. The information at the Committee of Experts' disposal suggests that Part II provisions are not implemented sufficiently with respect to this language. There is a particular need to develop an educational model to teach German as a regional or minority language and provide for such teaching at all appropriate stages of education in the areas where this language has a traditional presence and where the demand justifies it. This educational model, as well as other measures to protect German in the areas where it has traditionally been spoken, should be developed in close co-operation with the speakers.

## Conclusions

G. Croatian qualifies as a regional or minority language due to its ancient and continuous presence in Slovenia. No steps have been taken by the Slovenian authorities to identify the areas where this language has been traditionally spoken in Slovenia and to apply Part II provisions to Croatian in these areas. Croatian receives some protection as a language spoken by “citizens of the former Yugoslav Republics” or by “members of the nations of the former Yugoslav State” (see p. 11 of the second periodical report), but this does not amount to recognition of the language as a regional or minority language for the purpose of the Charter. Resolute measures are needed to apply Part II protection to this language in areas where it has been traditionally spoken, and should be developed in co-operation with the speakers.

H. As for the Serbian and Bosnian languages, the Slovenian authorities have not taken any measures to clarify the issue of their traditional presence in Slovenia. There is an urgent need for the authorities to clarify this issue, in co-operation with the speakers of these languages.

I. As for Part III languages, the provision for Hungarian and Italian in the Slovenian education system in the respective areas remains very satisfactory. One positive development in the field of education is the improvement of the situation regarding the recognition of university degrees obtained in Hungary and Italy (see paragraphs 80 and 141 above). The setting up of a new university in the coastal region (Univerza na Primorskem/Università del Litorale), which will provide additional opportunities for using the Italian language at the university level is also to be commended. There still seems to be a need for a specific monitoring mechanism regarding regional or minority language education (Article 8, paragraph 1.i).

J. In the present monitoring round, the Committee of Experts received information confirming that Hungarian is used in court proceedings.

K. Regarding administrative authorities, the Committee of Experts observed that undertakings are implemented at the municipal level. While a legal framework regarding the use of Hungarian and Italian in relations with local branches of State administration exists, it is not fully implemented in practice. In the provision of public services, there are considerable difficulties concerning the use of Hungarian and Italian.

L. The Committee of Experts has received information that changes are envisaged to administrative boundaries in the three coastal municipalities where Italian is spoken. This might have repercussions on the protection of the Italian language.

M. Slovenia chose very high level undertakings for Hungarian and Italian with respect to the media, including the creation or maintenance of one radio channel and one television channel. These undertakings are fulfilled with respect to the Italian language. With respect to the Hungarian language, the working conditions of the Hungarian editions of RTV Slovenija have significantly improved since the first evaluation report thanks to the inauguration of a new studio in Lendava/Lendva. However, the offer in Hungarian-language television provision still does not amount to a television channel, and there is a need to gradually increase the existing offer. The practical impact of the new RTV Slovenija Act (see paragraph 12 above) on the Hungarian and Italian programmes was not clear at the time of the on-the-spot visit.

N. The offer of cultural activities in Hungarian and Italian remains wide and varied, and the authorities actively support such activities through funds provided by the Ministry of Culture.

O. Regarding social and economic activities, there is a wide gap between the legislative framework and the actual practice of economic actors. There is a clear need for a more pro-active approach by the authorities with a view to ensuring a more systematic enforcement of the applicable legislation and promoting the bilingual character of the relevant areas.

P. Finally, there is a need to increase awareness of Slovenia’s regional or minority languages in the Slovenian population at large and to promote mutual understanding and further contacts between the different language groups.

## *Conclusions*

The Slovenian government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Slovenia. At the same time it emphasised the need for the Slovenian authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 999bis meeting on 20 June 2007, the Committee of Ministers adopted its Recommendation addressed to Slovenia, which is set out in Part B of this document.

**.Appendix I: Instrument of Ratification**



**Slovenia :**

**Declaration contained in a Note Verbale from the Permanent Representation of Slovenia, dated 19 September 2000, handed to the Secretary General at the time of deposit of the instrument of ratification, on 4 October 2000 - Or. Fr.**

In accordance with Article 7, paragraph 5, of the Charter, the Republic of Slovenia will apply *mutatis mutandis* the provisions of Article 7, paragraphs 1 to 4, also to the romani language.

**Period covered: 1/1/2001 -**

The preceding statement concerns Article(s) : 7

**Declaration contained in a Note Verbale from the Permanent Representation of Slovenia, dated 19 September 2000, handed to the Secretary General at the time of deposit of the instrument of ratification, on 4 October 2000 - Or. Fr.**

The Republic of Slovenia declares, that the Italian and Hungarian languages are considered as regional or minority languages in the territory of the Republic of Slovenia within the meaning of the European Charter for Regional or Minority Languages. In accordance with Article 2, paragraph 2, of the Charter, the Republic of Slovenia will apply to these two languages the following provisions of the Part III of the Charter:

Article 8

Paragraph 1, sub-paragraphs a (i, ii, iii), c (i, ii, iii), d (i, ii, iii), e (iii), f (iii, g, h, i)  
Paragraph 2

Article 9

Paragraph 1, sub-paragraphs a, b, c, d  
Paragraph 2, sub-paragraphs a, b c

Article 10

Paragraph 1  
Paragraph 2  
Paragraph 3  
Paragraph 4  
Paragraph 5

Article 11

Paragraph 1, sub-paragraphs a (i), e (i)  
Paragraph 2  
Paragraph 3

Article 12

Paragraph 1, sub-paragraphs a, d, e, f  
Paragraph 2  
Paragraph 3

Article 13

Paragraph 1  
Paragraph 2

Article 14

Paragraph a  
Paragraph b.

**Period covered: 1/1/2001 -**

The preceding statement concerns Article(s) : 2

## Appendix II: Comments by the Slovenian authorities

### Comments of the Republic of Slovenia on the Second Report of the Committee of Experts of the European Charter for Regional or Minority Languages on Slovenia

#### Comments on recommendation proposals based on results of the second monitoring (p. 43)

##### Items 1 and 2:

Upon depositing the instrument of ratification of the European Charter for Regional or Minority Languages, the Republic of Slovenia informed the Secretary General of the Council of Europe that in the sense of the Charter the Italian and Hungarian languages were regional or minority languages on the territory of the Republic of Slovenia. In accordance with Article 7, paragraph 5 of the Charter, the Republic of Slovenia will apply *mutatis mutandis* Article 7, paragraphs 1 to 4, to the Romany language as well.

It should be emphasised that it was already in the Statement of Good Intentions of 1990 that the Republic of Slovenia devoted attention to members of other nations and nationalities. Item 1, paragraph 2 states: "The Slovene state guarantees its Italian and Hungarian national minorities that within the independent Republic of Slovenia they shall enjoy all the rights that are laid down by its Constitution and laws, as well as international agreements signed and recognised by the Socialist Federal Republic of Yugoslavia. Likewise, it guarantees the members of all other nations and nationalities their right to an overall cultural and linguistic development, and to all those who have their permanent residence in Slovenia that they can obtain Slovene citizenship, if they so desire."

As early as 2001, the Government Office for Nationalities requested the Institute for Ethnic Studies to carry out a research entitled "The situation and status of members of the former Yugoslav nations in the Republic of Slovenia". The purpose of the research was to ascertain the situation and status of members of the former Yugoslav nations in the Republic of Slovenia.

The authors of the research hold different positions as regards the handling and further regulating the situation and status of the former Yugoslav nations in the Republic of Slovenia.

Several solutions have been proposed:

- Further handling of this field within the framework of Articles 61 and 62 of the Constitution of the Republic of Slovenia;
- Complementing the existing protection of minority ethnic communities in Slovenia in the sense of greater flexibility and adaptability to the actual living conditions, the number of community members as well as to the voiced requirements and actual needs of these communities (amending of the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia and adopting a relevant resolution in the National Assembly of the Republic of Slovenia);
- Amending the Constitution and, based on that, adopting a relevant law that would equalise the members of the nations of the former Yugoslavia, as modern immigrants, with the classical national minorities that remained and/or came into existence in Slovenia as a consequence of border changes and the formation of new states.

The Constitution of the Republic of Slovenia does not contain provisions relating directly to the special protection of members of other ethnic groups. These can exercise their rights under Articles 14, 61 and 62 of the Constitution. Exercising these individual rights enables them to preserve their national, linguistic and cultural identities.

Legal basis for the status of members of the nations of former Yugoslavia residing in the Republic of Slovenia has been, *inter alia*, provided by the Exercising Public Interest in Culture Act and the National

Programme on Culture. These represent an important legal basis, which places the handling of this field in the framework of protection of cultural diversity as the wealth of Slovenia's cultural life.

Legal basis for the status of members of the nations of former Yugoslavia residing in the Republic of Slovenia has been provided by the bilateral (cultural) agreements concluded between the Government of the Republic of Slovenia and governments of countries of origin of minority ethnic communities and/or immigrants.

As a rule, the provisions in bilateral agreements refer to the creation of possibilities for both parties to provide language instruction for the ethnic communities in the Republic of Slovenia as well as Slovenian language instruction for the persons of Slovenian ethnic origin in individual newly established states successors to the former SFRY (e.g. Slovenian national community in the Republic of Croatia).

The constitutional provisions of Articles mentioned above are also applicable to members of the German-speaking ethnic group in Slovenia. Likewise, the Agreement between the Government of the Republic of Austria and the Government of the Republic of Slovenia on Cooperation in the Fields of Culture, Education and Science provides the possibility of projects satisfying wishes and needs of the members of the German-speaking ethnic group in Slovenia in the fields of culture, education and science.

It has to be stressed that the implementation of Articles 61 and 62 of the Constitution of the Republic of Slovenia, i.e. exercising cultural rights, is provided for by the Ministry of Culture and the Ministry of Education and Sport. Both institutions respond in accordance with the national law and assumed international obligations to well grounded needs of the members of the Italian and Hungarian national communities, the Roma ethnic community and members of other ethnic groups in the Republic of Slovenia.

Any solutions regulating the use of languages in Slovenia that would differ from the present one would require a new plebiscite on the issues that have been decided upon on the establishment of the independent state of Slovenia, and consequently an amendment of the Constitution of the Republic of Slovenia. (In compliance with Article 11 of the Constitution the official language in Slovenia is Slovenian. In the municipalities where Italian or Hungarian national communities reside, the official language of the administration is also Italian and Hungarian, respectively.)

### **Item 3**

Data on the education structure of the Roma ethnic community show a low education structure as the majority of its members have not finished elementary school. The Strategy for Education of Roma in the Republic of Slovenia was adopted in 2004 to improve the integration of the members of the Roma community into society. The Strategy envisages the integration of Roma children into pre-school institutions at least two years before they enter elementary school, i.e. with four years of age at the latest, with the purpose of language learning (both Slovenian and Roma).

The Roma Education and Information Centre (REIC) is an institution established to improve the level of education of Roma, pursuing the following aims:

- Improving the general situation of Roma (education, employment, self-perception);
- Establishing a national professional qualification "Roma mentor" and providing for activities of Roma mentors within the Roma Education and Information Centre.

A working group for the preparation of the occupational standard "Roma assistant" and "Roma coordinator" is active within the National Institute of the Republic of Slovenia for Vocational Education and Training.

On 18 December 2006 the Expert council for technical and vocational education adopted the occupation standard "Roma assistant" and the occupation standard "Roma coordinator", as well as the Catalogue of standards of professional knowledge and skills for the professional qualification "Roma assistant" and the

Catalogue of standards of professional knowledge and skills for the professional qualification "Roma coordinator".

#### Item 4

Already in the first evaluation report The Expert Committee established that Slovenia guarantees very high legal standards for the protection of Hungarian and Italian languages; Slovenia has maintained and developed these standards ever since.

We are aware that there is a deficit in the area of implementing applicable laws. In compliance with applicable legislation and abilities in the area of finances and human resources, Slovenia endeavours to respond to the needs of both national communities.

An important step has been made with the Act Amending the Consumer Protection Act, which stipulates, *inter alia*, in Article 2, Paragraph I that a company (commercial law entity in private law) must conduct business with consumers in Slovenian and, in the areas populated by autochthonous Italian or Hungarian national communities also in the language of the relevant national community.

With regard to this Act, companies Petrol, Slovenian Energy Company, d.d. from Ljubljana as well as Tibor Feher, sole proprietor, from Lendava and Mercator Business System, d.d. from Ljubljana, have filed an initiative for a review of constitutionality and legality with the Constitutional Court of the Republic of Slovenia. In their initiative, they challenged Article 2, Paragraph I of the Act Amending the Consumer Protection Act, maintaining that it represents an inadmissible restriction of the free economic initiative and an unjustified infringement against the right under Article 74 of the Constitution.

In its decision No U-I-218/04-31 of 20 April 2006 the Constitutional Court of the Republic of Slovenia decided that Article 2, Paragraph I of the Act Amending the Consumer Protection Act is not in disagreement with the Constitution; however, the Court also decided that the Act was in disagreement with the Constitution, since it did not determine the deadline for the required adjustment of business operations, and tasked the National Assembly of the Republic of Slovenia with eliminating the established disagreement within six months of the publication of this decision in the Official Gazette of the Republic of Slovenia.

In the beginning of November 2005 the amended Public Administration Act came into force. The amendment refers to Article 4, which at present reads:

"In those municipalities where Italian or Hungarian autochthonous national communities reside, the official languages of the Administration shall also be Italian and Hungarian, respectively. In these areas the administration shall conduct proceedings also in the language of the national community. If the party to the proceeding uses the language of the national community, the administration shall conduct the proceeding in the language of the national community and issue legal and other acts in the proceeding in Slovene language as well as in the language of the national community. The party must be familiarized with this right prior to the beginning of the proceeding."

In March 2005 the Decree on Administrative Operation entered into force, replacing the Decree on the Document Management by Public Administration Bodies and other implementing regulations. Thus, the Decree stipulates *that all key events registered on the national e-Government web portal must also be available in Italian and Hungarian languages; the same applies to the basic information about the portal.* Furthermore, on-line application forms and on-line information about administrative services of the relevant body must also be available in Italian and Hungarian languages.

Web pages of the national web portal of the Republic of Slovenia aimed at the members of the Italian and Hungarian national communities (Italian and Hungarian version), are currently under construction.

#### Item 5

In accordance with Article 11 of the Constitution of the Republic of Slovenia, two official languages are used only in specified ethnically mixed areas, i.e. areas historically populated by the Italian and Hungarian national communities (autochthonous population), which are defined by the Establishment of Municipalities and Municipal Boundaries Act.

Ethnically mixed areas which are historically populated by the Italian national communities and where both, Slovene and Italian, are official languages comprise the following areas:

- Koper/Capodistria Municipality with the settlements Ankaran/Ancarano, Barizoni/Barisoni, Bertoki/Bertocchi, Bošamarin/Bossamarino, Cerej/Cerei, Hrvatini/Crevatini, Kampel/Campel, Kolomban/Colombano, Koper/Capodistria, Prade/Prade, Premančan/Premanzano, a part of the settlement Spodnje Škofije/Valmarin, Šalara/Salara and Škočjan/San Canziano;
- Izola/Isola Municipality with settlements Izola/Isola, Dobrava pri Izoli, Jagodje, Livada and Polje pri Izoli;
- Piran/Pirano Municipality with settlements Piran/Pirano, Portorož/Portorose, Lucija/Lucia, Strunjan/Strugnano, Seèa/Sezza, Seèovlje/Sicciole, Parecag/Parezzago and Dragonja.

Ethnically mixed areas on the territory of Slovenia which are historically populated by Hungarian national communities and where both, Slovene and Hungarian, are official languages comprise the following:

- Hodoš/Hodos Municipality with settlements Krplivnik/Kapornak and Hodoš/Hodos;
- Moravske Toplice Municipality with settlements Èikeèka vas/Csekefa, Motvarjevci/Szentlászló, Pordašinci/Kisfalu, Prosenjakovci/Pártosfalva, Središèe/Szerdahely;
- Šalovci Municipality with the settlement Domanjševci/Domonkosfa;
- Lendava Municipality with settlements Banuta/Bánuta, Èentiba/Csente, Dolga vas/Hosszúfalu, Dolgovške gorice/Hosszúfaluhegy, Dolina/Völgyifalu, Dolnji Lakoš/Alsólakos, Gaberje/Gyertyános, Genterovci/Göntérháza, Gornji Lakoš/Felsőlakos, Kamovci/Kámaháza, Kapca/Kapca, Kot/Kót, Lendava/Lendva, Lendavske gorice/Lendvahegy, Mostje/Hidvég, Petišovci/Petesháza, Pince/Pince, Pince marof/Pincemajor, Radmožanci/Radamos, and Trimlini/Hármasmalom;
- The Dobrovnik Municipality with settlements Dobrovnik/Dobronak and Žitkovci/Zsitkóc.

Members of the Italian and Hungarian national communities are also guaranteed certain rights that apply outside ethnically mixed areas (e.g. entry into a special electoral register for the election of a deputy to the National Assembly of the Republic of Slovenia, the right to learn one's native language outside the ethnically mixed area under certain conditions).

Furthermore, Articles 61 and 62 of the Constitution of the Republic of Slovenia, which guarantee to all citizens of the Republic of Slovenia the right to freely express affiliation to their nation or national communities, to foster and give expression to their culture and to use their language and script, also apply to them.

## **Item 6**

The Government Office for Nationalities will make an effort to include exact information, required by the Committee of Experts, in the third periodic report

The information provided will be a result of data, collected in the field, and needs, wishes and incentives, expressed by members of the Italian and Hungarian national communities, the Roma ethnic community and other ethnic groups in the Republic of Slovenia.

## **Comments to individual paragraphs of the second report**

### **Paragraphs 29, 37, 39, 40:**

The interstate agreement between Slovenia and Austria is not the only document of the Slovenian authorities on the protection of the German language and cultural heritage of Kočevje Germans; to this one could add the part of the programme in the area of protection of cultural heritage and the special programme by the Ministry of Culture which also includes linguistic projects of the German-speaking community in Slovenia and other minority communities. Paragraph 39 states that the Committee was informed of the mentioned special programme by the Ministry of Culture and commended it, however it did



not agree with the limitation of these endeavours only to cultural area, but recommended the presence of the mentioned languages also in public life, especially in the media.

### **Paragraph 31**

In connection with the recommendation that the mentioned regional and minority languages be regarded as the expression of cultural wealth (and that this does not demand the constitutional recognition of the minority communities) it should be noted that Slovenian governmental policy already pays attention also to these languages through the support to linguistic projects, submitted as a result of the public appeal by the Ministry of Culture. In this way it considers and recognizes them as a contribution to cultural diversity and the wealth of Slovenia's cultural life. It is true, however, that areas where the mentioned languages are traditionally spoken are not officially identified. There are also no expert guidelines made for decision-making on these matters. Considering the fact that in 2005 the funds for the special programme of minority communities, in which linguistic projects are given preference, increased by 100%, we can report on the progress in creating financial conditions also for linguistic diversity. In the Information-Documentary Centre for Heritage, the collection of works in different languages supported by the Ministry of Culture has been increasing. They are also accessible through the information system COBISS.

### **Paragraphs 41 to 49**

The expectation of the Committee regarding actions taken by the State to integrate different groups of members of the German-speaking community in Slovenia is not really clear, since the State can not force anyone into integration and/or association (Article 42 of the Constitution). The support of the Ministry of Culture for the cooperation of different minority communities that the Ministry presented in its contribution was welcomed in paragraph 42; the Ministry will continue with these activities, since this is a permanent objective of the minority cultural policy.

The curricula of the Slovenian elementary and secondary schools already include in the obligatory part the possibility of learning German language as the first foreign language. It is true, however, that this opportunity is only given from the 4th year of the elementary school (the second educational period). In the future we want to encourage the preparation of programmes with which the mentioned ethnic community would be enabled the development of their identity and culture - which directly means the setting up of a syllabus/activity which would be placed in the provided part of the curriculum. This is an opportunity offered to the members of these ethnic communities to be informed with their culture and language, and to preserve their identity.

The Croatian and German languages are available as optional subjects from the seventh class onwards for 2 hours a week. Curricula are published on the web pages of the National Education Institute.

### **Paragraph 57**

The themes of regional and minority languages in the curriculum, study materials and programmes of training of teachers have been included in the development and research project that will end in 2008. It will be possible to present the of the research and development project in the following year.

### **Paragraphs 62–69**

The project of encoding the Romany language ended in July 2006. The Ministry of Education received the final report and forwarded it to the Union of Roma for examination and assessment. The mentioned expert basis will be the foundation for the introduction of a Romany language course. A Romany culture course has already been prepared and is to be discussed by the Council of Experts for General Education.

In 2005/06 the Bršljin elementary school changed its teaching strategies also through additional employment of teachers. With additional teachers it was possible to individualize work and to adapt it to

the needs of individual pupils. In this school year teachers note larger regular presence of the Roma pupils in school classes and greater motivation for school work. On average the Roma pupils' results have improved, it is true, however, that some pupils have made much more and rapid progress than others. Results have improved especially in children where the cooperation of parents is better. Teachers at the Bršljin elementary school regularly visit families in the Roma settlement which has in turn strengthened trust in the school. Expert report of the school was forwarded to the Council of Experts.

### **Paragraphs 83–87 and 144–148 (Article 8(i))**

As already stated, members of the Italian and Hungarian nationality are actively cooperating in the educational process in accordance with the school legislation.

The highest expert authority in the field of education and schooling is the Council of Experts of the Republic of Slovenia for General Education, which also, *inter alia*, lays down educational and schooling programmes for members of the Italian and Hungarian national communities, and provides expert assistance in adopting decisions and drafting regulations.

Article 7 of the Special Rights of the Italian and Hungarian National Communities in Education and Schooling Act (OJ RS, No. 35/2001) stipulates as follows:

"Prior to the adoption or determination of programmes under Article 5 of this Act, the competent council of experts must acquire the opinion of the competent body of the Italian and/or Hungarian self-governing national community in the Republic of Slovenia.

The competent council of experts cannot adopt or determine an educational or schooling programme without the agreement of the council members, representatives of the Italian and/or Hungarian self-governing community."

The education committee for national communities has been established within the Council of Experts of the Republic of Slovenia for General Education, and is composed of three members. Two of them are representatives of both national communities and at the same time members of the Council of Experts.

The committee deals with issues relating to education in the ethnically mixed areas populated by members of the Italian and Hungarian nationalities. At the same time, the committee passes opinions to the Council of Experts regarding the adoption of syllabuses, curricula, adaptation of programmes, etc. in these areas.

Article 24 of the same Act stipulates:

"The minister responsible for education must acquire the consent of the competent body of the Italian and/or Hungarian self-governing national community in the Republic of Slovenia concerning norms and standards which form the basis for the financing of public pre-school institutions and schools with Italian as the language of instruction and bilingual pre-school institutions and schools."

Prior to the adoption of rules on norms and standards serving as a basis for organising and financing schools from the state budget in bilingual elementary schools and schools with Italian as the language of instruction in ethnically mixed areas, both self-governing national communities gave their consent in compliance with the Act.

Slovenia also provides a developmental and advisory function within the units of the National Education Institute. For this purpose, the Institute provides professionals recruited among members of ethnic communities for the needs of pre-school institutions and schools with Italian as the language of instruction and bilingual pre-school institutions in schools.

The National Inspectorate of Education and Sport is responsible for control over the implementation of laws, other regulations and acts in all educational institutions in the Republic of Slovenia under the Education Inspection Act (OJ RS No 114/05 - official consolidated text).

The Ministry of Education reports annually to the Office for Nationalities on the financing of national communities in education and schooling and explains potential conceptual ambiguities.

The establishment of a special supervisory body would not be rational neither from financial nor from the expert point of view, as control over the implementation of regulations governing the organisation and

*Appendix II: Comments by Slovenian authorities*

implementation of education and schooling activities in pre-school institutions and schools is carried out by the Inspectorate of Education.

The implementation of the constitutional and legislative provisions relating to the special rights of members of the Italian and Hungarian national communities is monitored by the Government Office for Nationalities; whereas the representatives of national communities participate in accordance with education legislation in decision-making and implementing tasks relating to their status in education and schooling.

## **B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Slovenia**

### **COUNCIL OF EUROPE** COMMITTEE OF MINISTERS

#### **Recommendation RecChL(2007)5 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Slovenia**

*(Adopted by the Committee of Ministers on 20 June 2007  
at the 999bis meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the instrument of ratification submitted by Slovenia on 4 October 2000;

Having taken note of the evaluation made by the Committee of Experts on the Charter with respect to the application of the Charter by Slovenia;

Bearing in mind that this evaluation is based on information submitted by Slovenia in its second periodical report, supplementary information given by the Slovenian authorities, information submitted by bodies and associations legally established in Slovenia and the information obtained by the Committee of Experts during its,

Having taken note of the comments made by the Slovenian authorities on the contents of the Committee of Experts' report;

Recommends that the authorities of Slovenia take account of all the observations of the Committee of Experts and, as a matter of priority:

1. define, in co-operation with the speakers, the areas where German and Croatian have been traditionally spoken in Slovenia and apply the provisions of Part II to German and Croatian;
2. clarify, in co-operation with the speakers, the issue of the traditional presence of the Bosnian and Serbian languages in Slovenia;
3. continue efforts to implement the "Strategy for Education of Roma in the Republic of Slovenia" and harmonise the level of protection for all speakers of the Romani language;
4. take proactive measures to reduce the gap between the legislative framework and practical implementation regarding the use of Hungarian and Italian in the provision of public services, in economic and social activities, as well as in relations with local branches of State administration;
5. ensure that future changes to administrative divisions do not constitute an obstacle to the protection and promotion of the Italian language;
6. provide, in the third periodical report, the detailed information the Committee of Experts has requested regarding the formal and practical implementation of Slovenia's individual undertakings