



FIFTH OPINION ON SLOVENIA

Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC)

Adopted on 18 May 2022

COUNCIL OF EUROPE



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TABLE OF CONTENTS

SUMMARY OF THE FINDINGS	4
RECOMMENDATIONS	5
Recommendations for immediate action	5
Further recommendations	5
Follow-up to these recommendations	5
MONITORING PROCEDURE	6
Follow-up activities related to the recommendations contained in the Fourth Opinion of the Advisory Committee	6
Preparation of the state report for the fifth cycle	6
Country visit and adoption of the Fifth Opinion	6
ARTICLE-BY-ARTICLE FINDINGS	7
Scope of application (Article 3)	7
Data collection and population census (Article 3)	8
Legal framework for the protection of national minorities (Article 4)	9
Institutional framework for combating discrimination (Article 4)	11
Promotion of full and effective equality (Article 4)	12
Preservation and development of minority identities, languages and cultural heritage (Article 5)	14
Intercultural dialogue and mutual respect (Article 6)	15
Hate speech and hate crime (Article 6)	17
Minority broadcast, print and digital media (Article 9)	18
Use of minority languages with administrative and judicial authorities (Article 10)	20
Display of topographical indications in minority languages (Article 11)	21
Intercultural education, teacher training, teaching and learning materials (Article 12)	22
Effective access to education for Roma (Article 12)	22
Teaching in and of minority languages (Article 14)	23
Effective participation in public affairs and decision-making processes (Article 15)	25
Effective participation in socio-economic life (Article 15)	27
Bilateral and multilateral co-operation (Articles 17 and 18)	28

SUMMARY OF THE FINDINGS

Scope of application

1. Slovenia ratified the Framework Convention in 1998 and continues to apply its provisions to the Hungarian and Italian national minorities and the Roma national minority. Since that time, Slovenia has further developed its policies on national minorities. However, the formal recognition requested by the representatives of the German-speaking ethnic group and the Albanian, Bosniak, Croatian, Macedonian, Montenegrin and Serbian national communities as national minorities has not been achieved.

Promotion of full and effective equality

2. The number of Roma settlements without access to public services (water, electricity, sanitation) has not decreased since 2017. In some parts of Slovenia, inadequate housing conditions in segregated settlements still hamper the inclusion of Roma into society and have a detrimental effect on the quality of life and access to national minority rights. There is an urgent need to guarantee access to basic infrastructure and access to private or public/social housing.

Intercultural dialogue and mutual respect

3. A comprehensive approach to the promotion of intercultural dialogue is needed, especially in education (curricula, teacher training, educational materials), culture and the media. More information about the minority communities in Slovenia and their history, culture and contributions to society should be provided in mainstream education and in the broader society.

Hate speech and hate crime

4. The number of complaints about cases of hate speech and ethnic intolerance has increased. The authorities should intensify efforts to combat stereotypes and prejudice against the minority communities exposed to hate speech. All instances of hate speech and anti-minority rhetoric in the public and political discourse

should be condemned and hate crimes effectively prosecuted and sanctioned.

Media

5. Public radio and television broadcast programmes in the Hungarian, Italian and Romani languages. However, the duration and frequency of broadcasting is relatively limited in Hungarian and very short in Romani and should therefore be extended. In addition, public media should provide for adequate television and radio broadcasting in the languages of the other minority communities and programmes should contain information about them in order to contribute to cohesion and mutual understanding.

Use of minority languages with administrative and judicial authorities

6. The Hungarian and Italian languages are used in contacts with local authorities and before judicial authorities. In order to overcome practical shortcomings, more civil servants mastering these languages should be recruited. In addition, the authorities should consult the Roma national minority about their needs concerning the use of Romani in contacts with authorities.

Effective access to education for Roma

7. The authorities have taken measures with a view to increasing the enrolment of Roma children in pre-school education. However, the inclusion of Roma in kindergarten is still lower than in the average population.

Teaching in and of minority languages, teacher training and educational materials

8. Education in Italian continues to be available at all levels. Hungarian is taught in bilingual lessons with Slovenian, and there is a consensus that this educational model needs to be improved, including through the training of teachers able to teach in Hungarian.

RECOMMENDATIONS

9. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Slovenia.

10. The authorities are invited to take account of the detailed observations and recommendations contained in the present Opinion of the Advisory Committee. In particular, they should take the following measures in order to further improve their implementation of the Framework Convention:

Recommendations for immediate action

11. The Advisory Committee urges the authorities to ensure access to drinking water, sanitation and electricity in relevant Roma settlements, to promote equal opportunities for Roma as regards access to private and public/social housing, and to offer adequate housing to Roma from settlements whose regularisation is not possible.

12. The Advisory Committee urges the authorities to combat stereotypes and prejudice against the minority communities exposed to hate speech, including through community-specific awareness-raising campaigns, as well as to publicly condemn anti-minority rhetoric and effectively prosecute and sanction all instances of hate speech, including in public and political discourse.

13. The Advisory Committee urges the authorities to promote awareness, respect and understanding in relation to all minority communities, including by reviewing curricula, teacher training, educational materials as well as the public service mission of broadcast media and by providing earmarked funding for intercultural activities.

Further recommendations¹

14. The Advisory Committee calls on the authorities to strengthen the legal protection of the German-speaking ethnic group and the new national communities and to consider granting them access to constitutionally protected national minority rights and extending the full application

of the Framework Convention to persons belonging to these communities.

15. The Advisory Committee calls on the authorities to introduce and sustainably support, for each minority community concerned, a cultural programme proposed by its representatives and provide increased funding, including to cover administrative and operating costs.

16. The Advisory Committee calls on the authorities to take measures in order to increase the duration and frequency of broadcasting in Hungarian and Romani by public media and to continue the support to broadcasting in Italian, including by addressing the shortage of Italian-speaking journalists; the Advisory Committee calls on the authorities to ensure that public media provide for adequate television and radio broadcasting in the languages of the other minority communities.

17. The Advisory Committee calls on the authorities to intensify their efforts, in co-operation with representatives of the Roma national minority and the families concerned, to increase pre-school attendance by Roma children in mainstream education.

18. The Advisory Committee calls on the authorities to provide adequate teacher training for teaching in Hungarian; the Advisory Committee calls on the authorities to introduce teaching in or of Croatian, German and Serbian as minority languages and to consult the representatives of the other new national communities about their needs concerning minority language education.

Follow-up to these recommendations

19. The Advisory Committee encourages the authorities to organise a follow-up event after the publication of this Fifth Opinion. It considers that a follow-up dialogue to review the observations and recommendations made in this opinion would be beneficial. Furthermore, the Advisory Committee stands ready to support the authorities in identifying the most efficient ways of implementing the recommendations contained in the present opinion.

¹ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

MONITORING PROCEDURE

Follow-up activities related to the recommendations contained in the Fourth Opinion of the Advisory Committee

20. The authorities have published the Advisory Committee's opinions and the resolutions adopted by the Committee of Ministers on the implementation of the Framework Convention by Slovenia on the website of the Ministry of Foreign Affairs and have translated them into Slovenian, but not into minority languages. Representatives of national minorities have had the opportunity to participate in the preparation of the fifth state report indirectly through the online portal eDemokracija, which allows everyone to follow the process of preparation of documents until their consideration and adoption by the government.

21. The Advisory Committee has noted during its exchanges with minority representatives a generally low awareness of the rights guaranteed by the Framework Convention, the functioning of its monitoring mechanism and the content of the Advisory Committee's opinions. Against this background, the Advisory Committee invites the authorities to actively involve representatives of the minority communities in the preparation of the state reports and to organise follow-up meetings on the implementation of the recommendations contained in the Advisory Committee's opinions and the Committee of Ministers resolutions.

Preparation of the state report for the fifth cycle

22. The fifth state report,² due on 1 July 2019, was received on 28 February 2020.

Country visit and adoption of the Fifth Opinion

23. This Fifth Opinion on the implementation of the Framework Convention by Slovenia was adopted in accordance with Article 26(1) of the

Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers.³ The findings are based on information contained in the fifth state report, other written sources and information obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Koper/Capodistria, Maribor, Dobrovnik/Dobronak and Ljubljana from 11 to 14 October 2021. The Advisory Committee expresses its gratitude to the authorities for their co-operation before, during and after the visit and to the other persons it met during the visit for their valuable contributions. The draft opinion, as approved by the Advisory Committee on 2 February 2022, was transmitted to the Slovenian authorities on 9 February 2022 for observations, according to Rule 37 of Resolution (2019)49. Observations were received by the Secretariat on 7 April 2022.

* * *

24. A number of the articles in the Framework Convention are not covered in the present opinion. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be reduced or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. Furthermore, a state of affairs which may be considered acceptable at this stage may not necessarily be the case in further monitoring cycles. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

² ACFC/SR/V(2020)001.

³ The submission of the state report, which was due on 1 July 2019, was regulated by Resolution (97)10. However, the adoption of this opinion was regulated by CM/Res(2019)49 on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities, as adopted by the Committee of Ministers on 11 December 2019.

ARTICLE-BY-ARTICLE FINDINGS

Scope of application (Article 3)

25. The scope of application of the Framework Convention in the Republic of Slovenia continues to be based on the instrument of ratification deposited in 1998, according to which its provisions apply to persons belonging to the Hungarian and Italian national minorities (referred to as “national communities” in the constitution) as well as to persons belonging to the Roma national minority (referred to as “Roma community” in the constitution).⁴ The German-speaking ethnic group and the Albanian, Bosniak, Croatian, Macedonian, Montenegrin and Serbian national communities (hereafter referred to as “new national communities”)⁵ are not recognised as “national communities” in the constitution despite continuing requests made by their representatives.⁶

26. After ratification of the Framework Convention, Slovenia has further developed its policies pertaining to national minorities. In 2000, Slovenia ratified the European Charter for Regional or Minority Languages as part of “a commitment ... to protect national minorities”.⁷ In 2001, Slovenia and Austria signed an Agreement on Co-operation in Culture, Education and Science which in Article 15 foresees the implementation of projects for the benefit of the “members of the German-speaking ethnic group in Slovenia”.

27. In 2011, the National Assembly adopted the Declaration on the Status of the National Communities of Members of Nations of former Yugoslavia, which concerned persons belonging to the new national communities. This declaration confirmed to such persons the right to self-identification and self-organisation *inter alia* with a view to promoting their culture and language and preserving their history. It also recognised the responsibility of the state to help create the conditions for the preservation and development of the identity of these minority communities and announced that Slovenia will work to establish a legal framework to ensure support for their activities.

28. In all reports on the application of the Framework Convention, the authorities have

included information about measures for the benefit of persons belonging to the German-speaking ethnic group or new national communities in thematic fields covered by several articles of the Framework Convention.⁸ These developments have, however, not led to the recognition of additional minority communities as national minorities and an extension of the scope of application of the Framework Convention.

29. In 2017 and 2018, parliamentary initiatives to recognise the new national communities as national minorities and to establish the legal framework for their financial support failed. In 2018, representatives of the Croatian national community, the German-speaking ethnic group and the Serbian national community submitted again a joint “20 Point Plan” to the government reiterating *inter alia* their wish for recognition as national minorities and application of the Framework Convention to these minority communities.⁹ Subsequently, all seven aforementioned minority communities jointly proposed a new parliamentary initiative aiming at achieving their recognition as national minorities.

30. The Advisory Committee reiterates on the one hand that states parties have a margin of appreciation as regards the personal scope of application of the Framework Convention in order to take the specific circumstances prevailing in their country into account. On the other hand, the Advisory Committee considers that it is part of its duty to examine the scope of application in order to verify that no arbitrary or unjustified distinctions have been made. Furthermore, in their appreciation of the specific circumstances prevailing in their country the authorities should consider developments that have occurred in policies, legislation or practice over time and ensure that the application of the Framework Convention reflects the actual situation in the country.

31. The Advisory Committee notes that the legal and political commitments undertaken by Slovenia since the ratification of the Framework Convention would allow Slovenia to go further in the protection afforded to the German-speaking ethnic group and the new national communities. Slovenia’s 2001 agreement with Austria mentions

⁴ See fifth state report, p. 3, and instrument of ratification.

⁵ Fifth state report, p. 45. When reference is made to all or several groups (national minorities, German-speaking ethnic group, new national communities), the term “minority communities” is used.

⁶ Recognition of the German minority (nemška manjšina) and its protection under the Framework Convention were requested by its representatives on 23 November 1990 and on 9 January 1998, respectively. On 14 October 2003, representatives of the Albanian, Bosniak, Croatian, Macedonian, Montenegrin and Serbian national communities adopted a statement requesting recognition as national minorities, mentioning also the Framework Convention.

⁷ Fifth state report, p. 3.

⁸ Articles 3, 5-9, 12-15, 17 and 18 of the Framework Convention.

⁹ See Plan v 20 točkah, in: Vezi med ljudmi Nr. 19/2020, pp. 239-253. The plan was first submitted in 2015.

the German-speaking ethnic group and foresees support in fields covered by several articles of the Framework Convention.¹⁰ In addition, the 2011 National Assembly declaration refers to persons belonging to the new national communities and deals with matters covered by several articles of the Framework Convention.¹¹ Having regard to related recommendations of the Committee of Ministers and other monitoring mechanisms,¹² the Advisory Committee considers that Slovenia should consider extending the full application of the Framework Convention to persons belonging to the German-speaking ethnic group and the new national communities.

32. The Advisory Committee calls on the authorities to strengthen the legal protection of the German-speaking ethnic group and the new national communities and to consider granting them access to constitutionally protected national minority rights and extending the full application of the Framework Convention to persons belonging to these communities.

Data collection and population census (Article 3)

33. According to Article 64 of the constitution, the rights of the national minorities and their members shall be guaranteed irrespective of the number of persons belonging to them. The last census of population, households and dwellings collecting data on ethnic affiliation dates back to 2002. Since 2011, Slovenia has carried out register-based censuses linking different administrative and statistical data sources.¹³ In 2021, the Statistical Office conducted the fourth register-based census. The relevant registers do not contain information on (single or multiple) ethnic or linguistic affiliation or religion, in compliance with legislation on the protection of personal data which prohibits recording ethnic affiliation. Therefore, the authorities make use of

relevant assessments made by municipalities, social work centres, various national institutions and non-governmental organisations. The Statistical Office is not planning other surveys in which data on ethnic affiliation would be collected.¹⁴

34. Representatives of different minority communities have observed that not all persons concerned have declared, or wanted to declare, their ethnic affiliation in the 2002 census. According to the information provided during the Advisory Committee's visit, the numbers of persons belonging to these minority communities are likely to be actually higher than the ones identified in the census.

35. The Advisory Committee reiterates the importance of reliable disaggregated data about the ethnic and linguistic composition of the population in order to effectively draw up, implement and evaluate policies and measures to protect national minorities. The opportunity to indicate multiple ethnic affiliations and competences in different languages should be provided during data collection exercises.¹⁵ Furthermore, it is necessary to collect data from a variety of sources, including from the national minorities themselves as well as from independent sociological, ethnographical and other types of research conducted in co-operation with their representatives.¹⁶

36. The Advisory Committee considers it good practice that the constitution guarantees the rights of the national minorities irrespective of the number of persons belonging to them. It notes that the consistent and general application of this principle could avoid that persons belonging to minority communities are denied access to rights.

37. The Advisory Committee notes that the variety of public data sources used for the register-based census covers several fields

¹⁰ Articles 4-6, 9, 12-15 and 17 of the Framework Convention.

¹¹ Articles 3-6, 9, 12, 14, 15 and 17 of the Framework Convention.

¹² Recommendations CM/RecChL(2014)4, CM/RecChL(2020)2, CM(2021)134 of the Committee of Ministers; United Nations, General Assembly, Report of the Working Group on the Universal Periodic Review*, Slovenia, 19 December 2019, para. 122.127; Statement of the United Nations Special Rapporteur on minority issues, Fernand de Varennes, on the conclusion of his official visit to Slovenia, 5-13 April 2018, 13 April 2018.

¹³ The following data sources are used: administrative registers and databases of various institutions: central population register, real estate register, register of spatial units, household register; Employment Service, Ministry of Education, Science and Sport, Ministry of Labour, Family, Social Affairs and Equal Opportunities, Pension and Disability Insurance Institute, Health Insurance Institute of Slovenia, Tax Administration, National Examination Centre, chambers of commerce, crafts, entrepreneurship; statistical register of employment; regular statistical surveys of the Statistical Office (population, migrations, socio-economic characteristics of the population and migrants, births, students and graduates in tertiary education); 2002 census.

¹⁴ See fifth state report, p. 13.

¹⁵ See Thematic Commentary No. 4, The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 16.

¹⁶ See Thematic Commentary No. 3, The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, ACFC/44DOC(2012)001 rev., para. 19.

relevant under the Framework Convention, for example education (Article 14), employment (Article 15) and spatial planning (Article 4/Roma), which to some extent permits the authorities to update the results of the 2002 census. The Advisory Committee appreciates that the authorities also use assessments made by non-governmental organisations of minority communities or working with them, which complement the public sources. Indeed, minority organisations have their own databases and registers, for example on the number of pupils enrolled in minority language education or subscribers to minority publications. Gathering data in close co-operation with representatives and organisations of the minority communities is indispensable to ensure their accuracy and to design effective measures promoting the conditions for persons belonging to national minorities to develop their culture and preserve their identity. Therefore, whenever authorities are in need of data to plan measures relating to a minority community, they should co-organise the necessary data collection with the representatives of that community. This applies also to independent research carried out to this effect, as the involvement of minority representatives in the design of the methodology will build trust in the accuracy of the research findings.

38. The Advisory Committee encourages the authorities to collect accurate disaggregated data about ethnic affiliation and language competence in co-operation with representatives of the minority communities concerned and consider ways of allowing for multiple affiliation.

Legal framework for the protection of national minorities (Article 4)

39. The Hungarian and Italian national minorities continue to enjoy rights guaranteed by the constitution (especially Articles 5, 11 and 64) as well as legislative and administrative acts.

These rights are granted on the basis of the “autochthonous”¹⁷ settlement of both national minorities and irrespective of the number of persons belonging to them.¹⁸

40. The status of the Roma national minority is regulated in the constitution (Article 65) and, on this basis, by the Act on the Roma Community in the Republic of Slovenia (hereafter “Roma Community Act”) as well as in several sector-specific laws. According to the authorities, Roma residing in specific municipalities autochthonously, Roma living in other municipalities (mostly persons from other parts of former Yugoslavia who have settled in Slovenia since 1991)¹⁹ and Sinti²⁰ can enjoy the rights granted by the Roma Community Act.

41. The Roma national minority does not enjoy all the rights guaranteed by the Framework Convention.²¹ This treatment originates in the official position that the state cannot apply “the same criteria of minority protection” to the Roma national minority as are applied to the Hungarian and Italian national minorities “[d]ue to the specific situation of the Romany community”, for example regarding living conditions, integration into society, access to education, employment and health protection.²²

42. In addition, the Roma Community Act is considered by several stakeholders as not providing full protection of the Roma national minority and not being fully implemented. In 2018, a draft Act Amending the Roma Community Act was adopted by the government and submitted to the National Assembly. Due to its early dissolution, it was not discussed by the National Assembly. A revision of the Roma Community Act or the adoption of a new act are currently subject to political discussion.²³

43. The Slovenian authorities have stated, including in reports on the implementation of the Framework Convention, that the Croatian national community, the German-speaking ethnic

¹⁷ “Autochthony” is a central concept of national minority protection in Slovenia. The Constitutional Court (case no. U-I-416/98, 22 March 2001) has interpreted it by noting that Roma are “undoubtedly” autochthonous in certain areas of Slovenia where they have lived “for centuries”, i.e. since the 15th-17th centuries (see second state report, ACFC/SR/II(2004)008, p. 4).

¹⁸ See first state report, ACFC/SR(2000)4, para. 11.

¹⁹ See e.g. fifth ECRI report on Slovenia, CRI(2019)21, para. 68.

²⁰ Two decisions of the Constitutional Court (see ruling no. U-I-134/07, 2 October 2008, unpublished, and decision no. U-I-15/10, 16 June 2010, published in the Official Gazette of the RS, no. 54/10) determine that all aspects of the national legislation regarding the Roma community also relate to Sinti, information submitted by the Slovenian authorities. The Sinti consider themselves distinct from the Roma, see Fourth Opinion of the Advisory Committee on Slovenia, ACFC/OP/IV(2017)003, para. 13.

²¹ See fifth state report, p. 3.

²² First state report, para. 33.

²³ See fifth state report, p. 30.

group and the Serbian national community are “autochthonous”²⁴ in certain areas of the country. However, the legal provisions on autochthonous national communities do not apply to them. Moreover, the adoption of a legal framework for the promotion of their languages in public life, the establishment of bodies responsible for such promotion and the provision of adequate financial resources is still needed.²⁵

44. As far as the implementation of national minority rights is concerned, the Advocate of the Principle of Equality has indicated that a distinction continues to be made between Roma residing in municipalities inhabited by this community historically and Roma living in other municipalities. In a case in 2019, the advocate found that the criteria of the public tender for co-financing the programmes of activities of Roma organisations discriminated Roma organisations based in municipalities where the Roma were not historically settled.²⁶

45. According to its representatives, the Roma national minority aims at harmonising its rights with the rights of the Hungarian and Italian national minorities and seeks the abolition of distinctions made in practice between Roma.

46. Representatives of the Croatian national community, the German-speaking ethnic group and the Serbian national community continue to strongly criticise the fact that these minority communities, although they are autochthonous in Slovenia, still do not enjoy the rights applicable to the autochthonous national communities and consider this to be a discriminatory practice.

47. The Advisory Committee reiterates that the authorities should ensure that legislation and policies relating to national minorities are not based on arbitrary or unjustified distinctions.

48. The Advisory Committee appreciates that the Hungarian and Italian national minorities continue to benefit from comprehensive legal protection and concurs with the authorities that this high standard constitutes good practice and a model for other national minorities.

49. The Advisory Committee considers that the scope of the rights of the Roma national minority

should not depend on its “specific” socio-economic situation prevailing at the time of the entry into force of the Framework Convention, given that such conditions are of a temporary nature. Since that time, the authorities have regularly taken measures to improve the socio-economic situation of the Roma and reported about the progress achieved.²⁷ The “specific” situation of the Roma observed in 2000 no longer exists to the same extent but would in any case not justify the considerably weaker legal status of the Roma national minority. Given also the views expressed by representatives of the Roma national minority, the Advisory Committee considers that the authorities should, *mutatis mutandis*, align the rights granted to the Roma national minority with those of the Hungarian and Italian national minorities, including by pursuing and finalising plans to revise the Roma Community Act and adopt new sector-specific legislation.²⁸ Such a step would also support the effective implementation of the rights granted by the Framework Convention.

50. The Advisory Committee also observes that the distinction between Roma residing in municipalities historically inhabited by this community and Roma residing in other municipalities has not completely disappeared in practice. At the same time, it notes that the authorities have expressed the intention not to differentiate between Roma in programmes for the benefit of Roma and invites them to follow this principle consistently.

51. The Advisory Committee welcomes the authorities’ clarification that all aspects of the national legislation regarding the Roma national minority also relate to the Sinti. The planned revision of this legislation would be an opportunity to explicitly state this fact in the relevant laws, which would create legal certainty and be an expression of appreciation of the Sinti.

52. The Advisory Committee notes that, more than ten years after the adoption of the National Assembly declaration, there is no legal framework regulating the rights of, and support for, the new national communities. It considers that Slovenia should pursue and finalise the related legislative initiatives taken in 2017 and 2018. Furthermore,

²⁴ The Slovenian authorities have referred to these minority communities as “autochthonous peoples” and “historical ethnic groups in Slovenia”; fourth state report, ACFC/SR/IV(2017)001, p. 7; first state report, p. 28. See also Fourth Opinion on Slovenia, para. 15; Statement of the UN Special Rapporteur on minority issues, op. cit.

²⁵ See MIN-LANG(2019)17final, para. 11.

²⁶ Information submitted by the Slovenian authorities.

²⁷ See also Report by the Commissioner for Human Rights of the Council of Europe, op. cit., para. 54.

²⁸ See also fifth ECRI report on Slovenia, para. 78; Report by the Commissioner for Human Rights of the Council of Europe, op. cit., para. 85; Statement of the UN Special Rapporteur on minority issues, op. cit.

since the Croatian national community, the German-speaking ethnic group and the Serbian national community are considered "autochthonous",²⁹ the legal provisions on autochthonous national communities should be applied to them taking local circumstances into account.

53. The Advisory Committee calls on the authorities to intensify the dialogue with representatives of the German-speaking ethnic group and the new national communities with a view to developing a legal framework which is tailored to the needs of these communities. Furthermore, they should seriously address the various demands from representatives of the Roma national minority on how their legal protection could be improved.

Institutional framework for combating discrimination (Article 4)

54. Pursuant to the 2016 Protection against Discrimination Act, discrimination is prohibited, among others, on grounds of race and ethnicity. The act covers access to employment, self-employment and occupation, social protection, social security and health care, social benefits, education and housing.

55. According to the information received from the Human Rights Ombudsman of the Republic of Slovenia, in 2020, the institution received 57 complaints regarding national minority issues (compared to 25-27 annually in the period 2017-2019). Forty of these were related to the Roma national minority and six to the Hungarian and Italian national minorities. Complaints were also received from persons belonging to the Croatian national community, the German-speaking ethnic group and the Serbian national community. Among 38 resolved complaints in 2020, the ombudsman found eleven to be justified.

56. The ombudsman has consulted the Hungarian and Italian national minorities as to whether persons belonging to these national minorities were fully informed about the Covid-19 pandemic in Hungarian and Italian. In addition, the ombudsman has regularly visited Roma settlements.

57. In the period 2017-2021, the ombudsman issued 17 recommendations relating to national minority issues of which 14 concerned Roma exclusively or predominantly. Examples include recommendations concerning informal settlements, access to basic infrastructure and the supervision of municipalities' compliance with

obligations under the Roma legislation. Two recommendations concerned the Hungarian and Italian national minorities. No recommendations were adopted concerning other minority communities. Very few of the 17 recommendations have been implemented so far. The authorities are in regular contact with the ombudsman regarding complaints considered by the latter and annually prepare a report in which they take a position on the ombudsman's recommendations and specify completed and planned activities to implement them.

58. The Advocate of the Principle of Equality is the equality body in charge of monitoring and addressing discrimination in both the public and private sector. Its mandate includes *inter alia* producing research and reports, making recommendations to public and private sector institutions, providing individual legal counselling and representation to victims of discrimination, carrying out inspections and conducting awareness-raising campaigns on discrimination and measures to prevent it. The advocate can monitor the implementation of legislation and initiate a constitutional review of laws that are allegedly discriminatory. Victims of discrimination can lodge a complaint free of charge with the advocate who has the competence to issue decisions addressing discrimination and the adoption of measures. If the decision is not complied with, the advocate may refer the case to the competent inspection authorities. The advocate cannot impose sanctions. In 2016, the advocate was given administrative autonomy and financial support to carry out some of the tasks and powers foreseen in the Protection against Discrimination Act (Article 21). In 2018, additional funds and staff were provided.³⁰

59. In the period from 1 January 2017 to 31 August 2021, the advocate concluded 14 discrimination investigations and two advisory, information and support activities regarding affiliation with a national minority or use of a minority language. The investigated cases concerned, for example, discriminatory comments against the Hungarian national minority and the Roma national minority on web portals (see Article 6).

60. Representatives of several minority communities state that their associations have no regular contact with the Human Rights Ombudsman or the Advocate of the Principle of Equality and are not fully aware of the relevance of both institutions' mandates and activities for national minority protection. They, therefore,

²⁹ See footnotes 17f. and 24.

³⁰ See fifth state report, p. 21.

suggest intensifying information and awareness-raising measures.

61. The Advisory Committee reiterates that it is essential for equality bodies to reach out to the individual national minorities through, among other things, a certain presence in the regions inhabited by them and awareness-raising also in minority languages.

62. The Advisory Committee observes that the large majority of complaints received and recommendations made by the Human Rights Ombudsman concern the Roma national minority. The ombudsman's outreach and attention to other minority communities, including the Hungarian and Italian national minorities, is limited. In light of its exchanges with minority representatives, the Advisory Committee notes that the low number or absence of formal complaints does not mean the absence of concerns, but rather points to a lack of knowledge of the ombudsman's work and mandate. This applies even more so to the relatively new institution of the Advocate of the Principle of Equality.

63. The Advisory Committee hence considers that the Slovenian authorities should support both institutions in awareness-raising. For example, visits to areas inhabited by minority communities would make the ombudsman and the advocate more accessible to individuals and associations who would be reluctant or lack information about how to file a formal complaint or how to address relevant concerns. During such visits, the ombudsman and the advocate could organise workshops with each minority community on different topics, including gender, with a view to giving their representatives the opportunity to share concerns and explaining to them how the work of both institutions could help them in finding solutions. Such consultations could be followed-up through research or reports on specific issues. There is a need to publish information material (including online) presenting both institutions' work and mandate also in languages used by several minority communities.

64. The Advisory Committee regrets that, despite the close co-operation between the authorities and the ombudsman and annual reporting about the follow-up given to the latter's recommendations, most recommendations made during the reporting period have not yet been implemented. The Advisory Committee considers that the authorities should support the

ombudsman through effective follow-up to this body's recommendations.

65. The Advisory Committee encourages the authorities to take measures to enable the Human Rights Ombudsman and the Advocate of the Principle of Equality to raise awareness of their mandate among minority communities and to reach out to them, including in their languages, as well as to follow up the recommendations made by these bodies.

Promotion of full and effective equality (Article 4)

66. The Ministry of the Environment and Spatial Planning has implemented a series of measures to address the issue of informal Roma settlements located on agricultural or industrial land not foreseen for residential use and, therefore, without access to public services (water, electricity, sanitation). In particular, the ministry has encouraged municipalities (which hold responsibility for spatial planning) to define the areas of Roma settlements and their infrastructure in the context of the drawing-up of municipal spatial planning documents, which provide the only legal basis for the legalisation and inclusion in the settlement system of municipalities. If a settlement, part of it or a building is situated on land not owned by Roma or where there is no right to build, the ministry seeks to reach an agreement with the landowner (municipality or private owner) so that, after the adoption of spatial planning documents, they carry out the land subdivision of the property concerned, ensure infrastructure and sell individual plots of land to Roma at a symbolic price or in instalments. In the case of individual owners, the municipality may act as a mediator. However, according to the authorities, the number of informal Roma settlements has not decreased during the reporting period (83 in 2021 and 2017). In addition, the national authorities acknowledged that they have not taken any action in respect of local authorities which do not show the political will to regulate informal settlements as this would interfere into local competences and not be accepted by the population.³¹

67. In a case before the European Court of Human Rights, the complainants alleged that the failure of Slovenia to ensure access to drinking water in a Roma settlement constituted a violation of their right to respect for private life, the prohibition of discrimination and the prohibition of torture or inhuman or degrading treatment under

³¹ See fifth state report, p. 31, and additional information submitted by the Slovenian authorities.

the European Convention on Human Rights. However, the court held that there had been no violation of Articles 8, 14 or 3 of the convention.³²

68. The Human Rights Ombudsman observes that, while the drinking water supply in Roma settlements has improved in recent years, it is still below the level of the average population. The ombudsman has repeatedly called for ensuring equal access to drinking water and electricity to inhabitants of Roma settlements or to provide them in another way such as relocation with decent living conditions. Moreover, he has requested that the national authorities should support municipalities by providing financial assistance and taking the necessary decisions when mayors and/or local councils cannot or do not want to act due to the unpopularity of some measures among the majority population.

69. The Advisory Committee has visited a former informal Roma settlement in Prekmurje which had been provided with access to public services (water, electricity, sanitation) and local pre-school education. Such achievements notwithstanding, the Advisory Committee has also been informed by the Roma national minority that in Lower Carniola, Roma continue to live in informal settlements in poorly constructed houses, without connection to the electric grid, with limited access to drinking water and low school attendance (see Article 15).³³

70. Some progress has been indicated with regard to the prevention of early marriages and school dropout of Roma girls. According to the report prepared in the framework of Roma Civil Monitor pilot project carried out by the European Commission for the period 2017-2020, different projects have focused on awareness raising activities, continuous communication with school principals to identify early signs indicating changes in the lives of Roma girls as well as school inspection activities.³⁴ The report indicates a higher awareness among members of the Roma national minority, which should be strengthened and supported by research on the exposure of Roma women and girls to all forms of violence.³⁵

71. The Advisory Committee reiterates that substandard housing conditions of Roma coupled with their spatial separation considerably affect their ability to participate in socio-economic life and can result in further poverty, marginalisation and social exclusion. In this context, it is important for states parties to ensure that local authorities comply with existing legislation in housing matters.³⁶ In addition, the Advisory Committee reiterates that states parties should base their equality promotion policy also on independent research related to the situation and access to rights of persons belonging to national minorities, also taking into account various manifestations of multiple discrimination that may be experienced, including those arising from factors that are unrelated to the national minority background such as gender.³⁷

72. The Advisory Committee acknowledges the progress made by the authorities in improving the local infrastructure of informal Roma settlements but regrets that their number has not decreased during the reporting period. While in Prekmurje the living conditions of Roma are satisfactory, in Lower Carniola the inadequate housing conditions in segregated settlements and the lack of access to basic utilities still hamper the inclusion of Roma into society and the realisation of other rights. The lack of access to water and sanitation is also a risk to the health and well-being of Roma children.

73. The Advisory Committee, therefore, considers that the Slovenian authorities should intensify efforts to guarantee access to basic infrastructure and adequate living conditions. As an immediate measure, the national authorities should ensure that Roma enjoy access to drinking water, sanitation and electricity in or in the immediate vicinity of their settlements. In this context, it is important that the national authorities monitor that municipalities fulfil their legal obligations or, in conformity with the Roma national minority Act (Article 5.3), take the necessary measures themselves if municipalities remain inactive in a situation of serious health threats and prolonged disruption to public order in informal Roma settlements. In parallel, the

³² Case of Hudorovič and Novak and others vs. Slovenia (Applications nos. 24816/14 and 25140/14). Two judges dissented and underlined the importance of fighting discriminatory practices and attitudes against Roma.

³³ See also Report by the Commissioner for Human Rights of the Council of Europe, *op. cit.*, p. 2.

³⁴ See Civil Society Monitoring Report on Implementation of the National Roma Integration Strategy in Slovenia, Identifying blind spots in Roma inclusion policy, European Commission, 2020, pp. 16f.

³⁵ See Group of Experts on Action against Violence against Women and Domestic Violence, (Baseline) Evaluation Report on Slovenia, June 2021, paras. 89f.

³⁶ See Thematic Commentary No. 2, Effective participation of persons belonging to national minorities in cultural, social and economic life and public affairs, adopted on 27 February 2008, para. 57.

³⁷ See Thematic Commentary No. 4, *op. cit.*, para. 66.

authorities should promote equal opportunities for Roma as regards access to private or public/social housing³⁸ and, in close co-operation with representatives of the Roma national minority and the local authorities concerned, offer adequate housing to Roma from informal settlements whose regularisation is not possible.

74. The Advisory Committee urges the authorities to ensure access to drinking water, sanitation and electricity in relevant Roma settlements, to promote equal opportunities for Roma as regards access to private and public/social housing, and to offer adequate housing to Roma from settlements whose regularisation is not possible.

Preservation and development of minority identities, languages and cultural heritage (Article 5)

75. The Ministry of Culture, on the basis of an annual direct call for funding, continues to provide financial support to the cultural programmes proposed by the Hungarian and Italian national minorities. In 2021, the approved budgetary appropriations amounted to €485,630 for the Hungarian Cultural Programme and €356,191 for the Italian Cultural Programme. This includes activities and running costs of institutions established by the national minorities.

76. Moreover, the Ministry of Culture supports projects that aim at the preservation and promotion of Romani culture, language and identity. In 2021, €92,113 were approved for the Cultural Programme of the Roma national minority.

77. Funding is also provided by the Republic of Slovenia Public Fund for Cultural Activities which annually supports projects of non-governmental organisations that inter alia promote the cultural creativity, identity and development of different minority communities, raise awareness of their culture among the majority population and develop related cultural education programmes. In addition, the Ministry of Culture has launched public calls concerning increased social inclusion in culture of members of vulnerable social groups under the auspices of the European Social Fund for the period 2021-2023.³⁹

78. Projects based on different public tenders were also approved to support the other minority

cultures (in 2021: Albanian: €3,100; Bosniak: €21,362; Croatian: €22,122; German: €32,108; Macedonian: €13,582; Montenegrin: €8,358; Serbian: €56,644).

79. The Hungarian and Italian national minorities are generally satisfied with the support granted to their cultural activities by national and local authorities.

80. Representatives of other minority communities are concerned about the relatively low financial support for their cultural activities by the authorities. According to the Advisory Committee's interlocutors, their cultural activities depend to a considerable extent on support from other states. In addition, the allocation of funds only on a project-by-project basis, without long-term and operational funding, does not ensure the sustainability of institutions and projects. Representatives of some minority communities criticize that associations which do not represent these communities may also apply for funding dedicated to the promotion of the culture of the minority community concerned, which reduces the funding available to the minority associations. As far as cultural heritage related to national minorities is concerned, a number of architectural monuments need renovation or reconstruction (e.g. Štatenberg castle).

81. The Advisory Committee reiterates that the funding available for the cultural activities of national minorities should be adequate to ensure the preservation of their cultural and linguistic identity. The state party itself remains fully responsible for the implementation of its obligations under this article. In addition, making grants available solely on the basis of projects does not allow all of the national minorities to run their cultural activities on a regular and stable basis, which adversely affects the sustainability of the important work done by the minority associations.

82. The Advisory Committee welcomes the authorities' sustainable and effective support to the cultural institutions and activities of the Hungarian and Italian national minorities and the full involvement of both national minorities in the development and implementation of the activities.

83. However, the Advisory Committee notes that the level of financial support granted to cultural activities of most minority communities

³⁸ See Committee of Ministers' Recommendation (2005)4 on improving the housing conditions of Roma and Travellers in Europe, para. 28; Report by the Commissioner for Human Rights of the Council of Europe, op. cit., para. 89.

³⁹ See fifth state report, p. 32, and additional information submitted by the Slovenian authorities.

differs significantly from the funding of the cultural programmes of the Hungarian and Italian national minorities. The wide gaps between the cultural funding available for the Hungarian and Italian national minorities on the one hand and the Roma national minority as well as the other minority communities on the other hand are a consequence of their different legal status and “three levels of minority protection.”⁴⁰ The limited budget of the Republic of Slovenia Public Fund for Cultural Activities cannot compensate for these differences.

84. The Advisory Committee therefore considers that the Slovenian authorities should take the legal and practical steps needed to introduce, for each minority community concerned, an annual cultural programme corresponding to the main features of the cultural programmes of the Hungarian and Italian national minorities. This implies *inter alia* that each cultural programme is proposed by the representatives of the minority community concerned. In addition, the authorities should ensure that their funding of each cultural programme is sufficient to promote the maintenance and development of the respective minority culture and identity. This support should be adequate to guarantee that the minority community does not depend on financial support from another state. In addition, it should allow for the sustainability of minority institutions and their activities, and comprise long-term baseline funding, including funds to cover salaries, operating and material costs.

85. The Advisory Committee observes that Article 5 of the Framework Convention covers the maintenance of cultural heritage. Its implementation requires to inventory cultural heritage objects related to national minorities and to make available – including to private owners – dedicated funding for maintenance or reconstruction. The Advisory Committee underlines the positive effects of such a policy for awareness-raising about the history and culture of national minorities and cultural tourism (see Articles 6 and 12).

86. The Advisory Committee calls on the authorities to introduce and sustainably support, for each minority community concerned, a cultural programme proposed by its representatives and provide increased funding, including to cover administrative and operating costs.

Intercultural dialogue and mutual respect (Article 6)

87. As far as the promotion of tolerance, intercultural dialogue, respect, understanding and co-operation in education is concerned, the Ministry of Education, Science and Sport provides regular training for educational staff on how to work in a multicultural environment. Measures to promote tolerance between Roma and non-Roma have also been implemented (e.g. joint activities in schools).

88. With regard to culture, the authorities indicate that, as part of the Italian Cultural Programme, the Ministry of Culture finances activities to promote co-operation between different minority communities with a view to fostering intercultural dialogue and understanding. The authorities also mention the financing of cultural projects of the Roma national minority and the German-speaking ethnic group as well as information events about Roma culture and identity organised for the majority population.

89. As far as the media are concerned, the authorities refer to the public broadcasting for the Hungarian and Italian national minorities and the Roma national minority. Moreover, the national public broadcaster Radiotelevizija Slovenija is obliged to support the dissemination of knowledge of other cultures in Slovenia.

90. The National Programme of Measures for Roma for the Period 2017–2021 has comprised measures aimed at eliminating prejudices and stereotypes. Among them, the Police Academy has conducted a training programme that aimed *inter alia* at acquiring the knowledge needed to understand various forms of discrimination, learning about characteristics of other cultures and familiarising with good practices for the resolution of problematic situations. The training has been offered to police officers and other civil servants who in their work regularly meet with Roma. Furthermore, the police has intensified its co-operation with Roma and their organisations by participating in municipal commissions for Roma issues, in the drafting of municipal strategies on Roma and in security panels.⁴¹

91. Representatives of different minority communities observe that a lack of awareness of these communities, their long-term presence and culture persists in society. This concerns also knowledge about the history and culture of the Hungarian and Italian national minorities outside their areas of residence. There is a perception that education does not make a sufficient contribution to promoting knowledge, tolerance and understanding in relation to minority communities. Reporting about minority

⁴⁰ Statement of the UN Special Rapporteur on minority issues, op. cit.

⁴¹ See fifth state report, pp. 28, 35, and additional information submitted by the Slovenian authorities.

communities, for example events of the Italian national minority, is largely absent from mainstream media. The focus in public discourse surrounding Roma continues to be oftentimes fixed on socio-economic or security challenges, with few positive images being disseminated in the public. The German-speaking ethnic group regrets that society ignores its history, including the discrimination during the Yugoslav period, and that its call for minority rights is often discredited. Negative attitudes also affect the new national communities, including their representatives. An opinion poll carried out in 2020 by “Dnevnik” newspaper revealed a lack of appreciation notably for Albanians and Bosniaks.

92. The Advisory Committee reiterates that the way national minorities are protected is a reflection of the degree of knowledge about and appreciation for them, as well as other cultures in general, in the majority population. Awareness-raising among the majority population about the national minorities is therefore of utmost importance and requires constant efforts in education, culture and the media. In mainstream education, it is necessary that curricula, teacher training and educational materials provide basic, but concrete information about the national minorities, in particular by mentioning them individually and indicating the territories where they have been traditionally living, the basics of their history and culture, and examples of their contributions to the society and heritage of the country. In the field of culture, national minorities could be reflected in the activities of appropriate mainstream cultural institutions (e.g. museums, theatres), by including topics related to them in state-supported films or by translating literary works of minority authors. With regard to media, the objectives of Article 6 mainly refer to awareness-raising in the mainstream media throughout the country and thus cannot be achieved by programmes for national minorities and in minority languages only. Moreover, the media have a responsibility to avoid the stereotyping and negative portrayal of persons belonging to national minorities.

93. The Advisory Committee acknowledges the measures taken by the authorities to promote intercultural dialogue and mutual respect through training of teachers and civil servants as well as cultural and other events. It notes in particular that the training organised for civil servants working with Roma and the local co-operation of police and Roma contribute to increasing understanding of Roma culture and building trust.

94. More generally, however, the Advisory Committee observes that the authorities have reported about relatively few measures taken in the fields covered by Article 6. These measures,

however, lack overall coherence. The Advisory Committee considers that a more structured and integrated approach is needed to promote awareness about and respect in relation to all minority communities. This is all the more important as the lack of awareness of and appreciation for the minority communities is the central cause for the increase of hate speech against them (see the following section on Article 6).

95. In mainstream education, the Slovenian authorities should review the curricula, teacher training and educational (teaching and learning) materials with the aim of providing more concrete information about the individual minority communities in Slovenia and their history, culture and contributions to society.

96. With regard to culture, the Advisory Committee acknowledges that cultural activities organised by minority associations raise awareness of minority cultures among the majority population. This positive effect notwithstanding, such activities address primarily persons belonging to minority communities. In addition, the state funding available for them is too limited (see Article 5) to cover comprehensive awareness-raising addressing the majority population. For this purpose, complementary measures are needed. The authorities could, for example, highlight the contribution of minority communities to Slovenia’s cultural heritage by mentioning them in touristic information about heritage objects (e.g. important buildings) related to such communities and by signposting relevant objects also in the minority language.

97. A similar conclusion can be drawn regarding the media. The broadcasting of radio and television programmes for the Hungarian and Italian national minorities as well as for the Roma national minority *de facto* contributes to raising awareness about them. An example is the channel TV Koper-Capodistria, which can be received also outside the area where the Italian national minority resides. However, while the majority population notices such broadcasts, it does not necessarily actively follow them. Consequently, there is a need to report about the minority communities in mainstream media. However, Radiotelevizija Slovenija or other broadcasters do not seem to disseminate in a systematic way knowledge of the different minority communities. Therefore, the Advisory Committee considers that the relevant legislation should foresee a more specific obligation of Radiotelevizija Slovenija to disseminate information of all minority communities in Slovenia and their history, culture and contributions to society. Awareness of the minority communities should also be raised as a

component and as an expected result of mainstream journalist training. Moreover, all media should be encouraged, without prejudice to their independence, to avoid the stereotyping and negative portrayal of persons belonging to minority communities.

98. The Advisory Committee urges the authorities to promote awareness, respect and understanding in relation to all minority communities, including by reviewing curricula, teacher training, educational materials as well as the public service mission of broadcast media and by providing earmarked funding for intercultural activities.

Hate speech and hate crime (Article 6)

99. Article 63 of the constitution provides that “[a]ny incitement to national, racial, religious or other discrimination, and the inflaming of national, racial, religious, or other hatred and intolerance are unconstitutional.” The Criminal Code penalises public incitement to hatred, violence and intolerance (Article 297) on the ground of nationality, race and ethnic affiliation, including in mass media or on websites. The Mass Media Act and the Act on Audio-visual Media Services prohibit incitement to discrimination and intolerance and regulate the role of the media to counteract hostile narratives.

100. During the reporting period, one criminal complaint concerning “insult to the Slovenian people or national communities” was filed, but it is not clear whether it concerned the Hungarian or Italian national minorities. Moreover, a total of 25 criminal complaints relating to “public incitement to hatred, violence or intolerance” were filed (rising from two in 2017 to nine in 2020). In 55 criminal complaints, racial/ethnic intolerance was the motive (2017: nine; 2020: 19) and in nine criminal complaints religious intolerance (2017: one; 2020: four).⁴²

101. In 2019, the National Assembly adopted the “Resolution on the national programme for the prevention and suppression of crime 2019-2023”, which *inter alia* foresees the development of programmes, action plans and measures to reduce all forms of hate speech or public incitement to hatred and intolerance. These measures shall be implemented through educational, promotional and other preventive activities as well as a public debate on these issues.

102. During the period under review, the Advocate of the Principle of Equality has dealt with a case of discriminatory comments about the Hungarian national minority and a case of incitement to discrimination of Roma, in both cases on web portals.

103. Hate speech in the media is also monitored by self-regulatory institutions. The independent Agency for Communication Networks and Services of the Republic of Slovenia (AKOS) has inspection powers and can suspend or revoke the permit of the broadcaster in cases of e.g. hate speech and report a crime or a complaint of a criminal nature to the authorities. AKOS has not had a case relating to national minorities during the reporting period. In one case, the agency has conducted an inspection against a television broadcaster for non-compliance with the provisions of Article 9.1 of the Audio-visual Media Services Act and, after having observed incitement to racial inequality, racial hatred and intolerance, ordered to stop the violation.

104. *Spletno oko*, a public reporting system of hate speech and other illegal content spread via the internet, has received an increased number of applications regarding alleged violations of Article 297 of the Criminal Code (2,268 in 2020 compared to 556 in 2017). The number of reports submitted by *Spletno oko* to the police grew from 25 (2017) to 67 (2020).⁴³

105. Printed media is monitored by the self-regulatory Journalist Ethics Council. Journalists are supposed to abide by a self-imposed Code of Ethics of Journalists of Slovenia. Complaints can be made on breaches of the code, which prohibits stereotyping (Article 20) and incitement to violence and intolerance (Article 21). In the period 2016-2021, the Journalist Ethics Council received 16 complaints regarding violations of Article 20 of the code, finding a violation in eight cases. There were also 15 complaints related to Article 21 of the code, of which six were confirmed. Violations concerned stereotypes about persons belonging to the new national communities, racial stereotypes and anti-migrant comments in social media.⁴⁴

106. Representatives of all minority communities report a continuing increase of hate speech and intolerant discourse, mainly on the internet and including by politicians.

107. There have also been cases of vandalism against minority institutions. Furthermore, Muslim graves were desecrated in Domžale in 2021.

⁴² In the period from 1 January 2017 to 30 June 2021.

⁴³ Raziskave, članki, statistika, spletno-oko.si.

⁴⁴ See fifth state report, pp. 8, 10, additional information submitted by the Slovenian authorities and fifth ECRI report on Slovenia, CRI(2019)21, para. 24.

108. The Advisory Committee reiterates that it is an obligation of states parties to undertake appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic or religious identity. As a general rise in hate speech in society can have a spillover effect on national minorities, all expressions of racism or intolerance, including by politicians, must be firmly condemned by the authorities, and, in criminal cases, be effectively prosecuted and sanctioned. In line with the freedom of expression guaranteed by Article 10 of the European Convention on Human Rights and its case law, particular efforts must be made to limit the dissemination of hatred and intolerance through social media. The promotion of tolerance and openness towards diversity in society is a central precondition for persons belonging to national minorities to self-identify as such without hesitation and proactively claim the rights contained in the Framework Convention.⁴⁵

109. The Advisory Committee is concerned that, compared to the previous monitoring cycle, the number of complaints about cases of hate speech and ethnic intolerance has continued to increase. This trend is confirmed by the impression among all minority communities that hate speech both against them and in society at large has increased. The commendable inclusion of measures against hate speech in the national programme for the prevention and suppression of crime 2019-2023 shows that the authorities are fully aware of this development. The Advisory Committee considers that the authorities should continue and intensify these efforts to promote respect and tolerance in relation to minority communities in order for persons belonging to them to feel at ease affiliating as such. As part of the aforementioned national programme or in other frameworks, community-specific awareness-raising campaigns should be carried out in the media (including online) to promote positive images of those minority communities concerned by stereotypes. Moreover, the authorities should increase public awareness of the remedies available to combat hate speech and regularly evaluate whether the training of the police, prosecutors and judges on the application of the existing legislation on racist offences needs to be enhanced.

110. The Advisory Committee urges the authorities to combat stereotypes and prejudice against the minority communities exposed to hate speech, including through community-specific awareness-raising campaigns, as well as to publicly condemn anti-minority rhetoric and

effectively prosecute and sanction all instances of hate speech, including in public and political discourse.

Minority broadcast, print and digital media (Article 9)

111. The Government Office for National Minorities continues to support and co-finance radio and television programmes for the Hungarian and Italian national minorities and the Roma national minority in conformity with the Radiotelevizija Slovenija Act (Article 30) and the Mass Media Act (Article 4).

112. The national public broadcaster Radiotelevizija Slovenija (RTV Slovenia) provides programmes in Italian via its regional RTV centre in Koper/Capodistria (3,350 hours of television programming and 8,760 hours of radio programming per year) and in Hungarian via its regional RTV centre in Maribor with a studio in Lendava/Lendva (100 hours of television programming and 4,700 hours of radio programming per year). The Hungarian and Italian national minorities participate in the management of these programmes and have each a member on the programme board.

113. There are also public broadcasts for the Roma national minority (24 hours of television programming and 52 hours of radio programming per year). In addition, support has been granted to Radio Romic, a private radio station of the Roma Union of Slovenia which the Advisory Committee has had the opportunity to visit. Its programme addresses also non-Roma and aims at countering prejudice against Roma, fostering tolerance and co-operation between minority communities and raising awareness of different cultures. It is broadcast in Slovenian and partly in Romani. Programmes addressing Roma are also broadcast by other radio stations.

114. The media staff comprises mostly persons belonging to the Hungarian and Italian national minorities as well as the Roma national minority, respectively.

115. There exists no comparable public media offer for the other minority communities. They can, through an annual public call for the co-financing of media programmes, apply to the Ministry of Culture for support. Among others, Radio Študent occasionally broadcasts programmes produced by the Croatian and Serbian national communities and provides training in radio production to persons belonging to these communities.

⁴⁵ See Thematic Commentary No. 4, op. cit., para. 53.

116. The Ministry of Culture has supported print media addressing the Hungarian and Italian national minorities (weekly “Nepujsag”, newspaper “La Voce del Popolo”) as well as the Roma national minority. In addition, less frequently published print media of other minority communities have received support (e.g. “Bošnjak” in Bosnian, “Žumberački izvor” in Croatian, “Laibacher Zeitung” in German).⁴⁶

117. According to the Hungarian national minority, broadcasts from Hungary play a significant role to ensure an adequate offer of broadcast media in Hungarian. However, there are occasional technical difficulties receiving television channels from Hungary. The Italian national minority has informed the Advisory Committee of difficulties in recruiting Italian-speaking journalists. Representatives of the Croatian national community, the German-speaking ethnic group and the Serbian national community express interest in public radio and television broadcasting in their languages and in obtaining sustainable access to these media.⁴⁷

118. The Advisory Committee reiterates that the availability of broadcast, print and digital media for national minorities and in minority languages is essential in different respects. The possibility for persons belonging to national minorities to receive information in their language is a precondition for equal and effective participation in public, economic, social and cultural life. Minority media raise the visibility and awareness of the national minorities as well as the prestige of the minority language as an active tool of communication in the society. These aspects also encourage persons belonging to national minorities to self-identify as such and to use the minority language in daily life. In order to reach out to the national minority as a whole, media in minority languages should cover content from various genres (e.g. local and national news, entertainment, culture) and address different generations. The regularity and duration of such broadcasts and the publication intervals of print or digital media in minority languages should be adequate to achieve the aforementioned objectives and contribute to the development of the minority language.⁴⁸

119. The Advisory Committee appreciates that Radiotelevizija Slovenija continues to provide television and radio broadcasting for the Hungarian and Italian national minorities and the Roma national minority in their respective languages. At the same time, it notes considerable differences in the total annual

duration of these broadcasts, namely a relatively limited duration in Hungarian and a very short duration in Romani. The Advisory Committee considers that efforts should be made to increase the duration and frequency of broadcasting in Hungarian and Romani by public broadcasters. In the case of programmes in Hungarian, this would also reduce the dependence on broadcasts from abroad. Moreover, the authorities could explore, in co-operation with the Italian national minority, how the training and recruitment of Italian-speaking journalists could be supported.

120. The domestic legal obligations to provide state support to the media for broadcasts addressing the Hungarian and Italian national minorities and the Roma national minority do not apply to the other minority communities. The programmes existing for some of them are based on ad-hoc funding and are not sustainable. In addition, as noted in the previous monitoring cycle, they are broadcast too infrequently and have a duration that is insufficient to meet the information needs of these minority communities. Some minority communities are not present in the broadcast media at all. Therefore, the Advisory Committee considers that the Slovenian authorities should take legal and practical measures facilitating access to the media for persons belonging to these minority communities. In particular, the relevant legislation, notably the Mass Media Act and the Radiotelevizija Slovenija Act, should foresee an explicit state obligation to support Radiotelevizija Slovenija in providing for television and radio programmes to be broadcast at regular intervals and at a sufficient duration in the languages of these minority communities. Consideration could also be given to the establishment of a channel dedicated to all minority communities, as was under discussion in the previous monitoring cycle. An adequate presence of all minority communities on public radio and television would also help raise awareness of them among the majority population and promote tolerance (see Article 6).

121. The Advisory Committee calls on the authorities to take measures in order to increase the duration and frequency of broadcasting in Hungarian and Romani by public media and to continue the support to broadcasting in Italian, including by addressing the shortage of Italian-speaking journalists.

122. The Advisory Committee calls on the authorities to ensure that public media provide for

⁴⁶ See fifth state report, pp. 23f., 28, annex 1, and additional information submitted by the Slovenian authorities.

⁴⁷ See Plan v 20 točkah/20 Point Plan, points 16f., op. cit.

⁴⁸ See also Thematic Commentary No. 3, op. cit., paras. 40f.; Thematic Commentary No. 4, op. cit., para. 69.

adequate television and radio broadcasting in the languages of the other minority communities.

Use of minority languages with administrative and judicial authorities (Article 10)

123. In the municipalities where the Hungarian and Italian national minorities live, all legal entities governed by public law have an obligation to communicate and work in Hungarian or Italian when requested or when any person, not only a member of a national minority, uses the Hungarian or Italian languages. This applies to judicial proceedings as well. Administrative forms, procedures, acts, websites and signs on buildings are bilingual and civil servants receive a bonus for bilingualism.⁴⁹ No such provisions exist with regard to persons belonging to minority communities other than the Hungarian and Italian national minorities.

124. In 2021, Article 62a on the sign language and tactile sign language was inserted into the constitution, recognising *inter alia* that the freedom to use the Italian or Hungarian sign language, respectively, shall be guaranteed in the ethnically mixed areas.

125. Whereas Article 62 of the constitution provides that “[e]veryone has the right to use his language and script in a manner provided by law ... in procedures before state and other authorities performing a public function”, there exists no comprehensive legislation implementing this right with regard to persons belonging to minority communities other than the Hungarian and Italian national minorities.

126. The Ministry of Public Administration organises regular consultations on the implementation of bilingualism in the nine municipalities. According to the authorities⁵⁰, violations of the rules concerning the use of Hungarian and Italian are an exception, resulting mainly from a lack of knowledge of them.

127. As far as judicial authorities are concerned, the authorities state that Hungarian, Italian and Romani have been used in judicial proceedings. In addition, the authorities have organised workshops on Hungarian and Italian legal terminology for civil servants at courts and state prosecutor's offices tasked with conducting bilingual proceedings. However, at present, no state prosecutor with a command of Hungarian is employed with the Murska Sobota District State

Prosecutor's Office; an employee with a good command of Hungarian acts as an interpreter.⁵¹

128. In 2019, the Human Rights Ombudsman advised the Health Insurance Institute of Slovenia that its regional unit in Koper/Capodistria issue e-forms in Slovenian and Italian. The same recommendation was made concerning e-forms in Slovenian and Hungarian in Prekmurje. Both recommendations have been implemented.⁵²

129. The Advocate of the Principle of Equality has considered a complaint of an Italian citizen with permanent residence in Slovenia to whom the tax authority operating in the bilingual area had refused to use Italian in the income tax procedure on the grounds that he was not a member of the Italian national minority. The advocate found that the tax authority had interfered with the taxpayer's right to use the language of a national minority, observing direct discrimination due to the reference to citizenship and non-affiliation with the Italian national minority.

130. The Italian national minority still reports that official websites with content in Italian, for example those of the four bilingual municipalities, are not completely translated or not regularly updated in this language. It regularly occurs that official documents are not simultaneously available in Slovenian and Italian. For example, circulars concerning the Covid-19 pandemic had initially been sent in Slovenian only to schools teaching in Italian, which had to translate them on their own. The use of Italian in the communication on Covid-19 has slowly improved in the course of the pandemic. The Italian national minority has initiated the establishment of an Office for Bilingualism in charge of improving the use of Italian in administration, monitoring the related legislation and providing practical support to authorities. From 2022, €128 000 per year is provided for the establishment of Offices for Bilingualism within the Coastal Self-Governing Community of Italian Nationality as well as the Pomurje Hungarian National Self-Governing Community and for two posts each and operating costs.

131. According to information received from its representatives, the Hungarian national minority is critical of the persisting lack of Hungarian-speaking civil servants, which causes a too high dependence on translations with related delays.

⁴⁹ In accordance with the Act on Public Usage of the Slovenian Language (Article 3) and the Public Sector Wage System Act (Article 28).

⁵⁰ See fifth state report, p. 40.

⁵¹ See fifth state report, p. 15.

⁵² See fifth state report, pp. 14, 17, 40, and additional information submitted by the Slovenian authorities.

132. The Advisory Committee reiterates that one of the preconditions for the preservation of a minority language as an essential element of the identity of a national minority and its transmission is that the given language remains fully functional in all areas of daily life, including the field of administration. Therefore, it is important that persons belonging to national minorities can effectively use their minority language in relations with administrative authorities. To this effect, the authorities of states parties should take practical measures enabling the use of minority languages. The recruitment of civil servants mastering the minority language, including persons belonging to the national minority concerned, is also a way of promoting minority participation in public administration.⁵³

133. The Advisory Committee welcomes that the right to use Hungarian and Italian in contacts with authorities and before judicial authorities located in the ethnically mixed areas continues to be guaranteed to persons belonging to the respective national minorities and that EU citizens speaking these languages can also exercise it. It commends the authorities for their continuous efforts to develop further the legal status of both languages, for example by mentioning the Hungarian and Italian sign languages in the constitution. The authorities show a constructive attitude in solving shortcomings in the implementation of the legislation, for example regarding bilingual documents. The establishment of offices for bilingualism is a useful step to this effect. Furthermore, the authorities should encourage the recruitment of more civil servants mastering these languages with a view to ensuring that delays in the availability of texts in these languages can be avoided and the cost incurred through translations be limited.

134. The Advisory Committee notes that, in legislation and practice, the application of Article 10.2 of the Framework Convention is limited to persons belonging to the Hungarian and Italian national minorities. Persons belonging to the Roma national minority are largely excluded from its scope. Therefore, the Advisory Committee considers that the authorities should take steps to facilitate the implementation of this provision regarding the Roma national minority, for example in the municipalities where the right to elect one local council member representing the Roma is guaranteed by law (see Article 15). To this effect, the authorities should consult all representatives of the Roma national minority about their needs concerning the use of Romani

with authorities and create a legal basis for such use by adopting a law implementing the rights provided by Article 62 of the constitution. Moreover, local authorities should be supported in recruiting Romani-speaking staff, taking the different Romani varieties spoken in Slovenia into account.

135. The Advisory Committee encourages the authorities to continue facilitating the use of Hungarian and Italian in contacts with local branches of state administration, local authorities and public service providers located in the ethnically mixed areas.

136. The Advisory Committee encourages the authorities to consult all representatives of the Roma national minority about their needs concerning the use of Romani with authorities and take the appropriate legal and practical measures enabling such use.

Display of topographical indications in minority languages (Article 11)

137. In the ethnically mixed areas, local topographical names in Hungarian and Italian have been adopted and are used in official signage, announcements and documents. These names are also commonly used in economic and social life. However, topographical indications in the bilingual municipalities containing names of places located outside these municipalities are in Slovenian only.

138. Place names in other minority languages have neither been adopted, nor is there a policy to use them in topographical indications.

139. The Hungarian and Italian national minorities are generally satisfied with the official use of place names in their languages and stress that shortcomings have become rare.

140. The Advisory Committee reiterates that topographical indications in minority languages contribute to the maintenance of the local linguistic and cultural heritage and raise awareness of local national minorities, conveying the message that a given territory is shared in harmony by different ethnic groups.⁵⁴

141. The Advisory Committee welcomes the adoption and mostly consistent use of place names in Hungarian and Italian in topographical indications, as a result of which these names are also used by the private sector and citizens in daily life.

142. The Advisory Committee encourages the authorities to continue their support to the

⁵³ See Thematic Commentary No. 3, op. cit., para. 56; Thematic Commentary No. 2, op. cit., para. 160.

⁵⁴ See also Thematic Commentary No. 3, op. cit., para. 67.

adoption and use of topographical indications in minority languages.

Intercultural education, teacher training, teaching and learning materials (Article 12)

143. The state report does not include comprehensive information about measures taken in education and research to foster knowledge of the culture, history, language and religion of the national minorities. The Advisory Committee can therefore only reiterate its general approach on the matter, according to which the authorities should ensure that knowledge about the national minorities is provided in education (see Article 6.1), that in teaching and learning of history, a multi-perspective approach is introduced in close consultation with representatives of the national minorities and that historical and other sensitivities are presented in a mutually acceptable way.⁵⁵ Education should be based on independent research and be designed in co-operation with representatives of the national minorities with a view to reducing the prevalence of negative stereotypes. It is essential that teachers are trained to promote respect for different ethnic, cultural and linguistic backgrounds. The preparation of educational materials for schools of national minorities and minority language education as well as for relevant subjects in general mainstream education (e.g. history) should be organised in close consultation with representatives of the national minorities.⁵⁶

144. As far as awareness-raising in education is concerned, the Advisory Committee refers to its observations and recommendations under Article 6.1. In the field of research, the Advisory Committee considers that the authorities should adopt a structured approach on awareness-raising about the culture, history, language and religion of the minority communities. This approach should ensure an appropriate involvement of the representatives of the minority communities so as to build trust in the independence of the research.

145. The Advisory Committee encourages the authorities to take measures in mainstream education and research to foster knowledge of the culture, history, language and religion of the national minorities.

Effective access to education for Roma (Article 12)

146. Enrolment in kindergarten is not compulsory in Slovenia. According to an official ad-hoc estimate made in 2019, about 35% of Roma children in south-eastern Slovenia were not included in pre-school education. The Strategy for the Education of Roma in the Republic of Slovenia pays particular attention to early childhood education.

147. The authorities have taken several measures with the aim of increasing the enrolment of Roma children in kindergarten groups. In 2021, an amendment to the Kindergarten Act entered into force, allowing for the reintroduction of free-of-charge kindergarten in certain cases. In addition, Slovenia has introduced free-of-charge short kindergarten programmes in the year preceding school entry for children not enrolled in kindergarten, which targets children from vulnerable groups. Project-based measures included a reduced kindergarten fee or full exemption for children from poorer families. The authorities provide funds to pay higher costs for groups with Roma children in kindergarten, individual or group work with such children and research on their integration. Following an evaluation, the Kindergarten Curriculum was updated and now places greater emphasis *inter alia* on the diversity of children and the inclusion of children from other linguistic and cultural backgrounds. The authorities plan to carry out an evaluation to analyse the possibilities of compulsory inclusion of children in pre-school education programmes. The number of Roma assistants supporting Roma children in their inclusion in pre-school and primary education has been increased during the reporting period.⁵⁷

148. As part of the response to the Covid-19 pandemic, primary schools were closed and online education was organised. Roma children were facing particular difficulties owing to a lack of information technology or the ability to use it and difficult living conditions (lack of electricity, work equipment or parental support). According to a survey conducted by the Human Rights Ombudsman among primary schools with Roma pupils and Roma assistants, primary schools have undertaken considerable efforts to involve Roma pupils through communication as well as delivery of teaching materials and computers. Roma assistants were involved in implementing distance education by helping pupils understand

⁵⁵ See also Recommendation of the Committee of Ministers to member States on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials (adopted by the Committee of Ministers on 1 July 2020 at the 1380th meeting of the Ministers' Deputies).

⁵⁶ See Thematic Commentary No. 4, op. cit., para. 60.

⁵⁷ See fifth state report, pp. 11, 40, 42, and additional information submitted by the Slovenian authorities.

tasks, helping to communicate with Roma parents or delivering materials. Despite these efforts, not all Roma children have effective access to education.

149. The Roma national minority confirms that progress has been made during the last years concerning the integration of Roma children in pre-school education, notably in Prekmurje. Examples include the kindergarten in the Roma settlement of Pušča (municipality of Murska Sobota) which is also attended by children belonging to the majority population.

150. The Advisory Committee reiterates the importance of pre-school for the successful integration of children into, and completion of, mainstream education and long-term employment prospects.

151. The Advisory Committee welcomes that the authorities have taken a variety of measures in legislation and practice with a view to increasing the enrolment of Roma children in pre-school education and that there is no segregation of Roma in education. Access to regular pre-school education of Roma children and their participation in extracurricular activities has slightly improved. There is a growing awareness of parents about the importance of pre-school education in order to facilitate the integration of children into subsequent levels of education. Roma assistants continue to facilitate the inclusion of Roma children in education not only by interacting between children, parents and teachers, but also by setting the encouraging example of their own education and employment. Despite the measures taken, however, the inclusion in pre-school education among the Roma is still lower than in the average population and varies geographically, with a higher enrolment rate in Prekmurje than in Lower Carniola.

152. The Advisory Committee calls on the authorities to intensify their efforts, in co-operation with representatives of the Roma national minority and the families concerned, to increase pre-school attendance by Roma children in mainstream education.

Teaching in and of minority languages (Article 14)

153. Education in Italian and education in Slovenian with Hungarian continues to be available in the ethnically mixed areas. In 2018, a legal amendment⁵⁸ extended the rights of the Hungarian and Italian national minorities in education to short-cycle higher education and education of children, minors and young adults with special needs. According to the authorities, there is a need for additional training for teaching staff in the context of specific needs in bilingual education institutions.⁵⁹ Educational (teaching and learning) materials in Hungarian and Italian are available at all levels.

154. Romani is not yet taught at all levels of regular education. In the 2021/22 school year, teaching of Romani as a mother tongue was introduced at two primary schools as a pilot project.

155. In mainstream education, there is no teaching in or of Albanian, Bosnian, Croatian, German, Macedonian, Montenegrin and Serbian as minority languages, some of which are taught as foreign languages.⁶⁰ The authorities co-finance supplementary language courses in Albanian, Croatian, German and Macedonian, but these courses address children of migrants.⁶¹

156. In the educational model applying in the ethnically mixed area where the Hungarian national minority resides, individual subjects are taught both in Slovenian and Hungarian. According to the Hungarian national minority, the share of Hungarian in such bilingual lessons depends in practice on the teacher and is oftentimes below 50%. In addition, representatives of this national minority point out shortcomings with respect to the Hungarian language competence of teachers teaching in this language and a need to modernise training programmes and teaching methodology.

157. The Italian national minority expresses satisfaction with the existing offer of education in Italian. Its representatives underline that the implementation of the amended act regulating the rights of the Italian and Hungarian national

⁵⁸ Act Amending the Act Regulating Special Rights of Members of the Italian and Hungarian National Communities in the Field of Education, see fifth state report, pp. 18, 40.

⁵⁹ See fifth state report, p. 19.

⁶⁰ For example, Croatian and Serbian can be learned as foreign languages within the scope of compulsory optional subjects in primary schools. German can be learned as the first, second or third foreign language as part of both compulsory and elective programmes.

⁶¹ See fifth state report, p. 26, and additional information submitted by the Slovenian authorities. Children of migrants have the right to supplementary teaching of their mother tongue and culture.

minorities in education,⁶² in particular the amended conditions regarding the proficiency in Hungarian or Italian and on the teacher certification examination, will have positive effects on the availability of teachers teaching in Italian.

158. Representatives of the Croatian national community, the German-speaking ethnic group and the Serbian national community emphasise the need for bilingual education in Slovenian with their respective minority language at pre-school, primary and secondary levels.⁶³

159. The Advisory Committee reiterates that one of the purposes of minority language education is to maintain or lead to a degree of fluency and literacy which enables the learner to use the language in public and private life and transmit it to the next generation. In order to achieve this objective, minority languages should be included in the public school system and in the mandatory curriculum. Furthermore, in a given geographical area, continuity in access to teaching in and of minority languages at all levels of education, from pre-school to higher and adult education, must be ensured. The educational model (teaching in or of the language) must be chosen in such a way that it ensures proficiency in the minority language, taking into account that languages that are not regularly used in families or in public need to be used during a higher number of school hours. It is essential that the authorities do not take a purely passive approach, but actively stimulate the demands for education in a minority language through awareness-raising among parents and young people. In addition, teacher training and a high level of language competence of the teachers are essential for the provision of minority language education. The preparation of educational materials for minority language education should be organised in close consultation with representatives of the national minorities.⁶⁴

160. The Advisory Committee welcomes that the legislation concerning education for the Hungarian and Italian national minorities in their languages has been further developed. It observes that the Italian national minority continues to benefit from education in Italian at all levels and that this educational model is also attractive for the majority population.

161. However, the educational model applying in the ethnically mixed area where the Hungarian national minority resides differs considerably and, contrary to what the officially used term “bilingual education” suggests, does in practice not ensure an equal use of Hungarian and Slovenian. In its current form, this model does not seem to guarantee that pupils acquire full proficiency in Hungarian. The Advisory Committee observes that qualified teachers able to teach in Hungarian are a basic condition for improving the effectiveness of this model. There is a consensus that this model needs to be improved. The authorities might give consideration to offering incentives in the form of specific scholarships for students or bonuses for teachers with a view to increasing the number of teachers teaching in Hungarian in the short and medium-term.

162. The Advisory Committee is pleased to note that teaching of Romani is being piloted in primary education, in co-operation with the Roma national minority. This initiative creates the prospect of teaching this language permanently in mainstream education rather than only in the framework of projects. The Advisory Committee considers that this pilot initiative should be evaluated, in co-operation with representatives of the Roma national minority. In light of the results of the evaluation, the authorities could consider introducing teaching of Romani also in other than the two pilot primary schools. As regards kindergarten, the Advisory Committee considers that the measures taken to increase pre-school attendance by Roma children (see Article 12) should also consider the use of Romani alongside Slovenian. There is also a need to develop a scheme for the training of teachers of Romani and educational materials for the different levels of education.

163. The Advisory Committee notes that there is no right to teaching in or of the languages of the other minority communities as minority languages. However, teaching these languages only as foreign languages or in language courses for migrants is unlikely to maintain them as living minority languages. In addition, such an offer is inadequate for minority languages which, due to their long presence, are an integral part of the cultural heritage of Slovenia. Considering the demand expressed, the authorities are invited to introduce educational models for teaching in or of

⁶² Act Amending the Act Regulating Special Rights of Members of the Italian and Hungarian National Communities in the Field of Education (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 11/18), see fifth state report, pp. 18, 40.

⁶³ In particular in Maribor, Celje, Apače, Dolenjske Toplice (German) and Novo mesto (Croatian, Serbian), see Plan v 20 točkah/20 Point Plan, points 7-9, op. cit.

⁶⁴ See Thematic Commentary No. 3, op. cit., paras. 71, 73-75; Thematic Commentary No. 1, Education under the Framework Convention for the Protection of National Minorities, adopted on 2 March 2006, ACFC/25DOC(2006)002, p. 36; Thematic Commentary No. 4, op. cit., para. 60.

Croatian, German and Serbian as minority languages. In addition, the authorities should consult representatives of the other new national communities as to whether there is a demand for teaching in or of their languages in mainstream education.

164. The Advisory Committee calls on the authorities to provide adequate teacher training for teaching in Hungarian.

165. The Advisory Committee calls on the authorities to introduce teaching in or of Croatian, German and Serbian as minority languages and to consult the representatives of the other new national communities about their needs concerning minority language education.

166. The Advisory Committee encourages the authorities to evaluate, in co-operation with representatives of the Roma national minority, the pilot project of teaching Romani in primary education and consider extending teaching of Romani to other municipalities where Roma live.

Effective participation in public affairs and decision-making processes (Article 15)

167. The Hungarian and Italian national minorities continue to be represented at central level through a reserved seat in the National Assembly for each national minority. In the municipalities in the ethnically mixed areas, each national minority has at least one representative in the local council in conformity with the Local Self-Government Act (Article 39). The representatives of the national minorities are supposed to be consulted at the beginning of the decision-making process when this concerns regulations or other general acts related to their status.

168. In 20 municipalities,⁶⁵ Roma have the right to elect one local council member representing them in conformity with the Local Self-Government Act (Article 39). The authorities have organised training courses for Roma councillors to help them carry out their role in local councils and contribute to the participation of Roma in municipalities. Municipalities other than the 20 mentioned above may establish a special working body to monitor the situation of the Roma in conformity with *inter alia* the Roma Community Act (Article 7.5).

169. The Government Office for National Minorities co-finances the operation of the umbrella organisations of the Hungarian and Italian national minorities and of the Roma national minority.

170. The “Council of the Government of the Republic of Slovenia for issues pertaining to national communities of members of nations of the former SFRY in the Republic of Slovenia”⁶⁶ comprises, among others, representatives of ministries and the Government Office for National Minorities as well as one representative of each new national community. The tasks of this consultative body are *inter alia* to adopt positions regarding proposals of governmental decisions, to monitor and assess the implementation of the rights of members of these minority communities in accordance with the international obligations of Slovenia and to monitor the adoption and implementation of measures in relevant fields. The term of office of the council members is linked to the government's term of office and therefore expired in March 2020. The new council was established by the government in August 2021 and its members were appointed in December 2021.⁶⁷

171. In 2020, a “Working group for permanent dialogue with representatives of the German-speaking ethnic group in the Republic of Slovenia” was established, which comprises representatives of the authorities and the ethnic group's umbrella association.⁶⁸ It has met twice so far.

172. Representatives of Roma residing in municipalities other than the 20 municipalities mentioned in the Local Self-Government Act are dissatisfied that they do not have the right to elect a local council member representing them.

173. According to representatives of minority communities concerned, the “Council of the Government of the Republic of Slovenia for issues pertaining to national communities of members of nations of the former SFRY in the Republic of Slovenia” meets too infrequently to be a forum for effective dialogue about the rights of persons belonging to these minority communities. The fact that its members need to be newly appointed after changes of government and delays in doing so have disrupted its work. The council is not perceived by the interlocutors as

⁶⁵ Municipalities of Beltinci, Cankova, Črenšovci, Črnomelj, Dobrovnik/Dobronak, Grosuplje, Kočevje, Krško, Kuzma, Lendava/Lendva, Metlika, Murska Sobota, Novo mesto, Puconci, Rogaševci, Semič, Šentjernej, Tišina, Trebnje and Turnišče.

⁶⁶ Established on the basis of the 2011 National Assembly “Declaration of the Republic of Slovenia on the Status of the National Communities of Members of Nations of the former SFRY in the Republic of Slovenia”.

⁶⁷ See fifth state report, pp. 12f., 27f., 45, 50, and additional information submitted by the Slovenian authorities.

⁶⁸ See Slovenia's “Information on the Implementation of the Recommendations for Immediate Action” by the Committee of Experts of the European Charter for Regional or Minority Languages, MIN-LANG(2021)IRIA3, p. 4.

ensuring consultation and effective participation of persons belonging to these minority communities. There is also the feeling that the council's name, which mentions the former Socialist Federal Republic of Yugoslavia, should be changed so as to reflect that the respective minority communities are an integral part of contemporary Slovenia.

174. The German-speaking ethnic group has proposed to the authorities to increase the frequency of meetings of the "working group for permanent dialogue" and to convene task forces in charge of specific topics in-between working group meetings to accelerate its work.

175. The Advisory Committee has been informed that representatives of the seven aforementioned minority communities are currently exploring the foundation of a joint political party with a view to obtaining representation in the National Assembly.

176. The Advisory Committee reiterates that effective participation by persons belonging to national minorities in public life involves participation and representation in the management of public affairs by national, regional and local authorities as well as elected bodies. It is not sufficient for states parties to only formally establish bodies for the consultation of persons belonging to national minorities. Rather, it is important to ensure that an obligation to consult such bodies is entrenched in law and that their work adequately reflects the actual needs of national minorities and has a substantial influence on decision-making. The work of consultative bodies must be of a regular and permanent nature and their meetings be convened frequently.⁶⁹

177. The Advisory Committee notes that the guaranteed representation of the Hungarian and Italian national minorities in the National Assembly and the arrangements in the ethnically mixed areas may foster an effective consultation and participation of persons belonging to these national minorities.

178. The Advisory Committee notes with appreciation that Roma have the right to elect a local council representative in a comparatively high number of municipalities (20), that Roma councillors are involved in local policy-making concerning, for example, living conditions and

access of Roma to education, and that the authorities organise training for Roma councillors. However, the municipalities inhabited by Sinti in the area of Kranjska Gora and Jesenice in Upper Carniola are not among those 20 listed in the Local Self-Government Act. The revision of the legislation concerning the Roma national minority which is under discussion would be an opportunity to add relevant municipalities in the list contained in this act. With regard to Roma having settled recently in cities such as Ljubljana, Maribor, Celje and Ptuj, the national authorities should actively encourage the local authorities concerned to establish a special working body to monitor the situation of the Roma in conformity with Article 7.5 of the Roma Community Act.

179. Unlike the Hungarian and Italian national minorities, the Roma national minority does not have a reserved seat in the National Assembly. In addition, persons belonging to the German-speaking ethnic group and the new national communities neither have a guaranteed representation in the National Assembly, nor in local councils. At the same time, persons belonging to the aforementioned minority communities also reside in municipalities where a guaranteed representation is provided for the Hungarian and Italian national minorities and the Roma national minority.⁷⁰ The authorities should therefore engage with the representatives of the minority communities lacking a guaranteed representation regarding how their interests could be represented in elected bodies in the most effective manner. At the level of municipalities, the authorities could consider providing for reserved seats in local councils for other minority communities and/or to actively promote the setting up of special working bodies similar to those foreseen by the Roma Community Act.

180. In light of the critical observations received from minority representatives, the Advisory Committee observes that the Government Council for issues pertaining to the new national communities does not guarantee their regular consultation and participation. There is a need to ensure the continuous functioning of the council and to improve it notably with a view to ensuring that it deals with all the matters deemed important by the representatives of these minority communities, including the parliamentary

⁶⁹ See Thematic Commentary No. 2, op. cit., paras. 19, 71, 107, 117.

⁷⁰ For example, the constituency of the member of parliament representing the Hungarian national minority comprises the municipalities of Dobrovnik/Dobronak and Lendava/Lendva where Roma have a guaranteed seat in the local councils. Additional municipalities with a guaranteed representation of Roma in the local councils comprise places traditionally inhabited by other minority communities, e.g. Črnomelj (Serbs), Metlika (Croats) or Semič (Germans).

initiatives to regulate their status, and that it meets more frequently, and that its decisions are followed up.

181. While it is positive that the authorities have established the working group for permanent dialogue with the German-speaking ethnic group, the number of meetings held since 2020 (two) is too low to ensure effective consultation and participation. More frequent meetings and flexible working methods would be needed to prepare measures in policies and legislation for this minority community.⁷¹

182. In order to build capacity of the umbrella associations of the aforementioned seven minority communities, there is a need for the authorities to co-finance their operation and staff. This is in the interest also of the authorities themselves in the context of their co-operation with the umbrella organisations in the two consultative bodies.

183. The Advisory Committee encourages the authorities to ensure the effective participation and representation of all minority communities in public affairs, in close consultation with them and according to their different needs.

Effective participation in socio-economic life (Article 15)

184. The National Programme of Measures for Roma for the Period 2017–2021 has comprised measures aiming at a reduction of unemployment. However, the absolute number of unemployed Roma has largely remained the same during the reporting period.

185. According to the authorities, major obstacles to the integration of unemployed Roma into the labour market are a low level of education, work experience and ability, and willingness to identify actively their own skills and interests in education and career choices. In 2018, with a view to improving the educational level of the unemployed and gaining work experience, 333 Roma were included in the active employment policy measure "training and education (non-formal and formal education, on-the-job training, work-based test, etc.)". The number of Roma included in the active employment policy programmes, workshops on labour market services and career centres slightly grew from 3,264 (2017) to 3,662 (2018).⁷²

186. According to interlocutors from the Roma national minority, access to employment opportunities of Roma is somehow limited in the areas of their traditional settlement and many of them are seeking employment mainly in neighbouring countries where they feel not discriminated against and are better paid.

187. Representatives of the Hungarian national minority consider that the economic situation in Prekmurje, which is characterised by relatively high unemployment, contributes to a worrying degree to assimilation of persons belonging to this national minority as people have fewer opportunities to find jobs or start businesses and move to other parts of Slovenia or abroad. Two economic programmes – one funded by Slovenia and one by Hungary – have been launched to improve the economic situation. In 2021, the Ministry of Economic Development and Technology and the Pomurje Hungarian National Self-Governing Community concluded contracts on the implementation and financing of the Programme for the Promotion of the Economic Base of the Hungarian national community 2021-2024. The programme has a value of €2,800,000 and promotes investment (including development of existing businesses and infrastructure), tourism and new products in Prekmurje with a view to boosting employment. The programme has already led to the creation of new jobs.

188. The Advisory Committee reiterates that persons belonging to national minorities often live in border areas and other regions at a distance from political and economic centres of activity. Hence, they can be confronted with more difficult socio-economic situations than the majority population. States parties should take specific measures to increase the opportunities for persons belonging to national minorities living in peripheral and/or economically disadvantaged areas to participate in socio-economic life.⁷³

189. The Advisory Committee further reiterates that participation in social and economic life covers a wide range of issues, including access to adequate housing (see Article 4), access to education (see Article 12) and access to the public and private labour market.⁷⁴

190. The Advisory Committee commends the authorities for having launched the Programme for the Promotion of the Economic Base of the Hungarian national community 2021-2024. This measure acknowledges that assimilation of

⁷¹ See Evaluation by the Committee of Experts of the European Charter for Regional or Minority Languages of the Implementation of the Recommendations for Immediate Action contained in the fifth evaluation report on Slovenia, MIN-LANG(2021)11, para. 23.

⁷² See fifth state report, pp. 28, 46, 48.

⁷³ See Thematic Commentary No. 2, op. cit., para. 42.

⁷⁴ See *ibidem*, para. 24.

national minorities can be caused by multiple factors. Involving the private sector in the protection of national minorities also confirms that minority protection is a cause for the entire society. The Advisory Committee also notes that the aforementioned programme may equally benefit Roma living in Prekmurje.

191. The Advisory Committee welcomes that a high number of Roma (3,662) is included in active employment policy programmes and that their number has increased in recent years. Unfortunately, these measures do not seem to have had a major impact on the employment of Roma so far. The Advisory Committee is aware of the interconnection of this challenge with the school attendance of Roma and their living conditions and refers to its related observations and recommendations (see Article 4). Moreover, it invites the authorities to continue measures for Roma in formal and non-formal education. The Advisory Committee also invites the authorities to explore to what extent Roma could be involved in the design and implementation of economic development strategies or programmes for Lower Carniola and White Carniola.

192. The Advisory Committee encourages the authorities to step up efforts to increase employment of Roma, including through programmes that improve access of Roma women to the labour market.

Bilateral and multilateral co-operation (Articles 17 and 18)

193. Slovenia takes measures protecting national minorities both in the framework of bilateral agreements and cross-border co-operation. The Government Office for National Minorities supports the development of cross-border co-operation for the benefit of persons belonging to national minorities. In addition, municipalities and minority organisations organise cross-border exchanges with neighbouring countries, i.e. Austria, Croatia, Hungary and Italy.⁷⁵

194. The Advisory Committee reiterates that the co-operation of a state party with neighbouring and other interested states can effectively complement the protection measures it takes at national level and support the development of the infrastructure of national minorities, for example in fields such as the production of educational materials or teacher training.

195. The Advisory Committee welcomes the measures which Slovenia takes to protect national minorities in the framework of cross-border co-operation.

196. The Advisory Committee encourages the authorities to continue their co-operation with the neighbouring and other interested states for the benefit of persons belonging to national minorities.

⁷⁵ See e.g. fifth state report, pp. 12, 50.

The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available, among other languages, in English, French, Slovenian, Croatian, German, Hungarian, Italian, Romani and Serbian.

This opinion contains the evaluation of the Advisory Committee following its 5th country visit to Slovenia.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all of which are also members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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