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**REPORT SUBMITTED BY THE REPUBLIC OF SLOVENIA  
PURSUANT TO ARTICLE 25, PARAGRAPH 1,  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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# **Report by the Republic of Slovenia on the Implementation of the Council of Europe Framework Convention for the Protection of National Minorities**

pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities

## **General explanation about the drawing up of the report**

This report has been drawn up in accordance with the instructions of the Committee of Ministers of the Council of Europe in the Outline for state reports to be submitted pursuant to Article 25 Paragraph 1 of the Framework Convention for the Protection of National Minorities, adopted on 30 September 1998. The general part includes a brief historical outline and description of the state policy, and general information on economic trends, as provided by the published data and results of the Statistical Office of the Republic of Slovenia and the Institute of Macroeconomic Analysis and Development.

The special part dealing with the implementation of individual provisions is based on written contributions submitted by: the Government Office for Nationalities on 15 April 1999; Ministry of Culture on 10 March 1999; Public Relations and Media Office on 25 March 1999; Government Office for Immigration and Refugees on 29 March 1999; Government Office for Religious Communities on 10 March 1999; Ministry of Justice on 2 March 1999; Ministry of Education and Sport on 28 March and 7 May 1999; Ministry of the Interior on 10 February 1999; on information from the reports by the Republic of Slovenia to other international organisations and on results of research conducted in this field (general information about the political system and the data included in Articles 5 and 6 were obtained from the Report of the Republic of Slovenia on the International Convention on the Elimination of All Forms of Racial Discrimination, Ljubljana, July 1999).

Additional observations on the first draft report which were submitted by the Ministry of Culture on 21 February 2000, Government Office for Religious Communities on 28 February 2000, Government Office for Nationalities on 10 March 2000, and Ministry of Education and Sport on 18 May 2000 are included in the text of the report.

The report is, as far as possible, drawn up in the form of replies to individual questions posed in the Outline for state reports. In order to provide a coherent text, however, the answers in individual cases substantively relate to sub-questions posed in the instructions. Furthermore, the contents of replies given in different articles are interlinked. The report, therefore, provides an extensive description of a particular situation only when it is mentioned for the first time.

Annex I includes the text “Demographic, Social and Economic Picture of the Italian and Hungarian Ethnic Minorities”, taken from the publication “Protection of Ethnic Communities in the Republic of Slovenia”, Ljubljana, pp. 16-36.

Annex II comprises the material “List of the most important regulations concerning the special rights of the Italian and Hungarian ethnic communities in Slovenia”, which was compiled by the Government Office for Nationalities. The most important texts are translated into the English language, as instructed.

# Part I

## General information

### Brief historical outline and social arrangement

1. The Republic of Slovenia is a democratic republic in the southern part of Central Europe and at the extreme northern part of the Mediterranean. It is both a Central European and at the same time a South European country situated at the juncture of Central Europe, the Balkan and Apennine peninsulas, the Danubian region and the Adriatic, and at the juncture of the Slavic, Latin and German cultures. This specific geographic position has significantly influenced the process and historical development of Slovene statehood.

Following World War One and the disintegration of Austria-Hungary, a new state - the Kingdom of Serbs, Croats and Slovenes<sup>1</sup> - was created. Over ¼ of Slovenes remained beyond the borders of this country, in the neighbouring and other countries. After World War Two, Slovenia became an administratively and territorially independent unit within the federal state of Yugoslavia.<sup>2</sup> Slovenia fought for and acquired its own statehood upon the dissolution of the SFR Yugoslavia in 1991.

### Basic Economic Indicators<sup>3</sup>

Gross domestic product per capita	USD 9,891
Inflation (October/September 1999)	0.5%
Inflation (October/November 1999)	0.5%
People in employment (September 1999)	766,055
People in employment (October 1999)	769.627
Registered unemployed people (September 1999)	115.336
Registered unemployed people (October 1999)	115.456
Unemployment rate (September 1999)	13.1%
Unemployment rate (October 1999)	13.0%
Average monthly gross earnings (September 1999)	SIT 109,907
Average monthly gross earnings (October 1999)	SIT 110,402
Foreign debt (August 1999)	USD 5.50 billion
Foreign debt (September 1999)	USD 5.58 billion
Foreign exchange reserves (September 1999)	USD 4.30 billion
Foreign exchange reserves (October 1999)	USD 4.26 billion

<sup>1</sup> The name was later changed to the "Kingdom of Yugoslavia".

<sup>2</sup> After 1974 it was called the Socialist Republic of Slovenia.

<sup>3</sup> Available at web site: [www.Matkurja.com](http://www.Matkurja.com)

Exports (September 1999)	USD 768 million
Exports (October 1999)	USD 781 million
Imports (September 1999)	USD 845 million
Imports (October 1999)	USD 872 million
Coverage of exports by imports (September 1999)	90.9%
Coverage of exports by imports (October 1999)	89.5%

### **Recent general statements**

2. Upon gaining independence, the Republic of Slovenia committed itself to ensuring the protection of human rights without any kind of discrimination towards anyone on its territory, in accordance with the Constitution and the international obligations assumed. The autochthonous Italian and Hungarian national communities and the Romany community, in addition to general human rights, also enjoy special protection.

It is particularly important for members of various national and ethnic communities that each person is entitled to freely identify with his/her nation or ethnic community, to foster and give expression to his/her culture, and to use his/her own language and script (Article 61 of the Constitution of the Republic of Slovenia). All incitement to ethnic, racial, religious or other discrimination, as well as the inflaming of ethnic, racial, religious or other hatred or intolerance, is unconstitutional (Article 63 of the Constitution of the Republic of Slovenia).

3. The Basic Constitutional Charter on the Independence and Sovereignty of the Republic of Slovenia stipulates that “[i]n accordance with the Constitution of the Republic of Slovenia and with international agreements binding upon it, the Republic of Slovenia guarantees the protection of the human rights and fundamental freedoms of all persons within the territory of the Republic of Slovenia, irrespective of nationality and without any discrimination whatsoever”;

“Italian and Hungarian national communities and persons thereof living in the Republic of Slovenia are guaranteed all rights recognized by international agreements binding on the Republic of Slovenia.”

4. By this Document and by the Declaration on the Independence of the Republic of Slovenia, the new state has committed itself to respect for human rights and

fundamental freedoms, respect for the principle of the inviolability of borders, the principles of international law in accordance with the legal succession to the international agreements adopted by the SFR Yugoslavia and relating to the territory of the Republic of Slovenia.

5. By adopting the »Act on the confirmation of succession with respect of conventions, statutes and other international agreements constituting the act on setting up international organisations«, the Assembly of the Republic of Slovenia established legal succession to international agreements, a party to which was the former SFR Yugoslavia. All these binding provisions, formally adopted in the process of gaining independence and the establishment of the new state, ensure the protection of national communities and provide the legal foundations for the further settling of interethnic relations.

#### **Status of International Law**

6. The Republic of Slovenia is a party to all relevant international conventions on the protection of human rights, including: the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the UN International Covenant on Civil and Political Rights. The legal protection of human rights of every individual is based on the principles of respect of the rule of law, non-discrimination, equality before the law, guaranteed judicial protection of human rights, and on other principles which nowadays provide the basis for the legal order of democratic countries.

In accordance with constitutional provisions, the ratified international instruments constitute a part of internal law. The 1991 Constitution of the Republic of Slovenia provides that statutes and other legislative measures comply with generally accepted principles of international law and accord with international agreements which bind Slovenia (Article 8).



## **The Protection of National Minorities and the Romany Community<sup>4</sup>**

7. The settled minority issue was of extraordinary importance for the Republic of Slovenia as a state, both in the process of gaining independence and in the process of laying the foundations of the new constitutional and legal arrangement after independence in 1991. The elements of historical and permanent cultural links with Slovene ethnic communities abroad, consciousness of the consistent implementation of democratic principles ensuring the equality of autochthonous groups within the country, and a high level of tolerance in relation to all members of other ethnic communities living in Slovenia are intertwined in the approach to the regulation of this issue. This was fully reflected in all the acts and statements adopted by Slovenia during its gaining independence (see Items 3-6).

8. Due to its specific geopolitical situation and to historical conditions, there are members of the Slovene minority living in the neighbouring countries, and members of ethnic communities from neighbouring countries living in Slovenia. Protection of the rights of autochthonous national communities and the Romany community in Slovenia is guaranteed by the legislation of the Republic of Slovenia at two levels:

- protection of individual rights of individuals, members of minority communities,
- guaranteeing of special rights of autochthonous minority communities (Article 64 of the Constitution RS) and the Romany community (Article 65 of the Constitution RS).

9. The Constitution of the Republic of Slovenia guarantees to the autochthonous Italian and Hungarian national communities in Slovenia the special right to use their national symbols, the right to education and schooling in their own languages, the right to their own economic, cultural and research activities, activities in the field of mass media and publishing, and the right to maintain contacts with their nations of origin. The Constitution binds the state materially and morally to support the exercise of these rights.

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<sup>4</sup> In the text of the report in addition to the term “national minority”, notion “national communities” is used as a translation of the notion “narodne skupnosti”. Since Annexes I and II include the already

10. The Constitution of the Republic of Slovenia guarantees to both national communities the right to direct participation in joint decision-making on public matters at both local and national levels. It furthermore guarantees them direct representation in bodies of local communities and at the national level.

A special commission for national communities operates in the National Assembly.

In order to realise their interests, the members of the national minorities establish self-governing national communities, which are entities of public law and are, as such, the political representation of the national minorities and their interlocutor of the state and local communities.

The Constitution stipulates that statutes and regulations which affect the exercise of rights enjoyed by national communities under the Constitution may be enacted only with the consent of the representatives of the national communities.

11. The exercise of the rights provided for in the Constitution is guaranteed by law. The special rights of the Italian and Hungarian national communities are guaranteed on the basis of the autochthonous settlement of both communities, irrespective of the number of members of both communities. According to the territorial principle, the special rights are exercised in ethnically mixed areas inhabited by the respective ethnic communities. Outside these areas, the special rights of national minorities are implemented only exceptionally in accordance with the law.

12. The Constitution stipulates that the status and special rights of the Romany community living in Slovenia are determined by a statute. Due to their specific situation, which is a result of their traditional way of life and the underprivileged status of the entire group, the measures of the broader social community aimed at assisting the Roma mostly relate to regulating the elementary living conditions – ensuring housing and means for living. In this way the conditions for the efficient improvement of their situation, preservation of their identity, education, employment and participation in public and political life are being gradually improved. The provisions in the area of education consider the specific needs of Romany children. They are aimed at ensuring the integration of Romany children into broader society

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translated and published material, terminology “ethnic community or ethnic minority” is also used in

while preserving their identity and culture. In the area autochthonously inhabited by the Roma, the Romany community has the right to representation in the bodies of local self-government. The possibilities for their cultural activities and development of services for providing information are guaranteed. Due to the specific situation of the Romany Community, the Government of the Republic of Slovenia adopted a comprehensive Programme of Measures for the Help to Roma in 1995. The Programme is aimed at improving the situation of the Roma, and comprises activities of various governmental bodies in this area.

13. Since the Constitution, in addition to general human rights, also provides for special rights of the autochthonous Italian and Hungarian national communities and of the Romany community - which are consistently implemented by the entire legal order of the Republic of Slovenia and by the measures of the government policy - the Republic of Slovenia made the statement upon the ratification of the Framework Convention to apply the provisions of the Framework Convention for the members of these communities.

### **Basic demographic data**

14. According to the 1991 census, Slovenia has a population of about 2 million (the total number is 1,965,986). It is relatively ethnically homogenous, since according to the 1991 census 1,727,018 people have declared themselves as Slovenes.

15. There are 3,064 members of the autochthonous Italian, 8,503 members of the autochthonous Hungarian, and 2,293 members of the autochthonous Romany communities. Members of the Italian and Hungarian national communities live in relatively compact areas, which are defined as ethnically mixed areas. The Italian national community is settled in three coastal municipalities along the border with Italy (Koper/Capodistria, Izola/Isola, Piran/Pirano). The Hungarian national community is settled in the region along the border between the Republic of Slovenia and the Republic of Hungary in the municipalities of Dobrovnik, Hodoš, Lendava, Moravske Toplice and Šalovci. The data on the demographic structure of both

communities, in particular the birth rate/age structure, migration flows, professional structure, and position within the social structure are given in Annex 1.

The largest part of the Romany community in the Republic of Slovenia is settled in Prekmurje and in the central part of Slovenia in the region of Dolenjsko.

Table 1 (as additional explanation of Items 15 and 16, and Article 3) shows the nationality structure in the Republic of Slovenia on the basis of data of the 1991 census compared to data of the 1953, 1961, 1971, and 1981 censuses.

### **Efficient measures for achieving the general goal of the Framework Convention**

16. Favourable reports and assessments have been given for Slovenia by international organisations: for instance, the Council of Europe upon the admission of Slovenia to the Council of Europe, or European Union upon considering Slovenia's report in Agenda 2000 relating to the protection of national minorities and the level of the protection of human rights. Upon the admission of Slovenia to the Council of Europe, the Rapporteur of the Committee on Legal Affairs and Human Rights *inter alia* stated in his opinion (AS/Jur (44)55, 22 March 1993):

»My impression is that Slovenia scores high in all respects. It has a modern legislation on civil and penal law - and in many other fields - and modern institutions, some of which do not (yet) exist in all Council of Europe member states (Constitutional Court, Ombudsmen and special representatives of minorities in elected bodies). [...] Under these circumstances it must be said that both communities (i.e. the Italian and Hungarian national communities) are rather privileged. They are, *grosso modo*, satisfied with their situation. Of course, improvements may always be made. [...] Slovenia, in our opinion, fully respects the rule of law and fundamental rights and freedoms. The way it protects the rights of minorities is a model and an example for many other European states both east and west.«<sup>5</sup>

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<sup>5</sup> The text in English is published in the publication *Ethnic Minorities in Slovenia*, edited by Vera Klopčič and Janez Stergar, Institute for Ethnic Studies, Ljubljana, Slovenia, 1993 and 1994, p. 6.

## Part II

### Article 1

**The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international cooperation.**

17. Slovenia is a party to all important international human rights instruments, binding it to respect the rights of individuals, belonging to national or ethnic, religious and linguistic minorities (Article 27 of the International Covenant on Civil and Political Rights) and the principle of non-discrimination. By acceding to the International Covenant on Civil and Political Rights and to the European Convention for the Protection of Human Rights and Fundamental Freedoms, Slovenia has also accepted the most sophisticated system of international monitoring over the fulfilment of obligations which include the possibility of a petition on the part of an individual.

The Republic of Slovenia has already signed and ratified the Framework Convention and signed the European Charter for Regional and Minority Languages which is currently in the ratification procedure.

18. Judicial protection of human rights is guaranteed and the right to obtain redress in the event of their abuse is also guaranteed (Article 15 of the Constitution of the RS). Each person is guaranteed a right of appeal and a right to any other legal redress in relation to the decision of any court, government body, local government body or statutory authority (Article 25 of the Constitution of the RS). The right to file a petition with the Human Rights Ombudsman is also guaranteed.

The legal order of the Republic of Slovenia stipulates criminal sanctions in the event of violation of individual rights. The violation of equality and stirring up ethnic, racial or religious hatred, strife or intolerance is incriminated as a criminal offence in the Penal Code of the Republic of Slovenia (Article 141 “Violation of Equality” and Article 300 “Stirring up Ethnic, Racial or Religious Hatred, Strife or Intolerance”)<sup>6</sup>.

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<sup>6</sup> Chapter 16 of the Penal Code »Criminal Offences against Human Rights and Fundamental Freedoms«, **Article 141 stipulates that »Violation of the Right to Equality« is a criminal offence.**  
141/1 Whoever, due to **differences in respect of nationality, race, colour, religion, ethnic roots, gender, language, political or other beliefs, gender orientation, social status, birth status,**

## Article 2

**The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and cooperation between States.**

19. Within good neighbourly cooperation a number of activities with neighbouring countries are underway, which include the interests of the protection of minorities from both sides of the border. The status and the rights of both autochthonous national communities are guaranteed by relevant international agreements. In addition, a number of concrete activities at the international level are underway within current cooperation at national, local and municipal levels, which involve both ethnic communities.

20. The »Osimo Treaty«<sup>7</sup> is of importance for the position of the Italian minority in Slovenia. Paragraph 4 of the preamble provides that the states: »reaffirm their commitment to the principle of the highest possible level of protection of citizens - members of minorities, stemming from their constitutions and their internal legislation...« and express their belief »that the Treaty will contribute to the strengthening of peace and security in Europe«<sup>8</sup>.

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**education, social position or any other circumstance**, deprives or restrains another person of any human right or fundamental freedom recognised by the international community or laid down by the Constitution or the Statute, or grants another person a special privilege or advantage on the basis of such discrimination shall be punished by a fine or sentenced to imprisonment for not more than one year

- 141/2 Whoever prosecutes an individual or an organisation due to his or its advocacy of the equality of people shall be punished.
- 141/3 In the event of the offence under the first or the second paragraph of the present Article being committed by an official through the abuse of office or of official authority, such an official shall be sentenced to imprisonment for not more than three years.«

### **Article 300 »Stirring up Ethnic, Racial or Religious Hatred, Strife or Intolerance«**

#### **300/1 Criminal Code**

**Whoever provokes or stirs up ethnic, racial or religious hatred, strife or intolerance or disseminates ideas on the supremacy of one race over another, shall be sentenced to imprisonment for not more than two years.**

**300/2 If the offence under the preceding paragraph has been committed by coercion, maltreatment, endangering of security, desecration of national, ethnic or religious symbols, damaging of the movable property of another, desecration of monuments or memorial stones or graves, the perpetrator shall be sentenced to imprisonment for not more than five years.**

<sup>7</sup> Treaty between the Socialist Federal Republic of Yugoslavia and the Italian Republic concluded on 10 November 1975. The Law on Ratification of the Osimo Treaty was published in the Official Gazette SRFY on 11 March 1977.

<sup>8</sup> This was the first bilateral document which was concluded after the signing of the Helsinki Final Act in 1975 and which refers to the CSCE principles.

Article 8 of the »Osimo Agreement« provides that each state declares that »the internal measures already adopted in the implementation of the Special Statute shall remain in effect and that, within the framework of their respective internal law, each shall guarantee the equal level of protection to the members of respective minorities as provided by the Special Statute, which has ceased to apply«.

21. The co-financing of joint institutions of the Italian ethnic community which have their seat in Croatia, but also strive to meet the needs of Italians in Slovenia (publishing house »Edit« in Rijeka which publishes newspapers in the Italian language intended for the Italian minority in Slovenia and in Croatia; Italian »Drama« theatre in Rijeka; Centre for Historical Research in Rovinj), is an example of the already established cross-border cooperation between the two countries to the benefit of the minority living in both countries. Such a mode of settling issues and of cooperation means the consolidation of trust.

On the basis of the Protocol between the ministries of education of both countries, members of the Italian minority living in the Slovene and Croatian parts of Istria are entitled to unrestricted education in schools, with Italian as the language of instruction, in Croatia and Slovenia.

22. The status of both autochthonous national minorities - the Hungarian minority in Slovenia and the Slovene minority in Hungary - is regulated by a special bilateral agreement »On guaranteeing special rights of the Slovene minority living in Hungary and the Hungarian minority living in Slovenia«<sup>9</sup>. In the preamble, the Agreement refers to the adopted international UN, CE and OSCE instruments. Both countries undertake therein to guarantee the possibilities for the preservation, development and profession of national identity of both minorities in the fields of education, culture, media, publishing or research work, in the economic and other domains.

The Agreement provides for the establishment of an intergovernmental commission on minorities to monitor the implementation of the agreement. The two countries

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<sup>9</sup> Signed on 6 November 1992, the instruments of ratification were exchanged on 29 April 1994. The text in the English language was published in the supplement to the publication on »Ethnic minorities in Slovenia«.

guaranteed the participation of minorities' representatives in this commission<sup>10</sup>. Both minorities participate as equal partners in monitoring the implementation of the Agreement.

23. Bilateral and regional cooperation extends also to the settling of status of the Roma. The regular consultations on employment of the Roma are held at both bilateral and regional levels. In 1997, joint Slovene-Austrian conference<sup>11</sup> on the status of the Roma in Slovenia and Austria were held with the participation of the experts, government representatives and the Roma from both countries.

24. Slovenia is active in international organisations at the regional level and wider, particularly in the Alps-Adriatic Working Community, the Central European Initiative (CEI), the Council of Europe and the OSCE, UNESCO and other international organisations which strive to improve the status of minorities, to abolish discrimination and prejudices. Members of national communities are involved in such cooperation in accordance with the Constitution and statutory provisions.

As a country chairing the Working Group on Minorities within the Alps Adriatic Working Community, Slovenia organised in 1993 conference on minorities within the Alps Adriatic region and issued a publication.

### **Article 3**

- 1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.**
- 2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.**

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<sup>10</sup> The Commission met for the first time in Ljubljana in February 1995, and has had yearly meetings since then.

<sup>11</sup> The organisers were the Austrian Institute for East and Southeast Europe, Ljubljana branch office, and the Institute for Ethnic Studies from Ljubljana.



## Paragraph 1

25. The Constitution of the Republic of Slovenia stipulates that each person is entitled to freely identify with his national or ethnic community (Article 61).

The right (not) to declare oneself as belonging to a specific nationality or religious group is also taken into account in the regulations governing the collecting of statistical data<sup>12</sup>. Demographic data are collected and processed by the Statistical Office of the Republic of Slovenia<sup>13</sup>.

26. Members of less numerous religious and linguistic communities (Jews, Germans) living in Slovenia and immigrants from the former Yugoslav republics, who settled in larger industrial centres predominantly following World War II, do not have the status of a national minority in the sense of collective holders of rights. All these inhabitants are, in compliance with the Constitution, guaranteed the right to preserve their national identity, to foster their own culture and use their own language and script, as provided by statute. Members of these groups are organised in associations involved mainly in cultural and information activities and they are also allocated funds from the state budget to finance their programmes, on the basis of annual invitations for applications as issued by the Ministry of Culture.

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<sup>12</sup> The manner of collecting, using and publishing data on national, ethnic, religious or linguistic origin is governed by the Personal Data Protection Act (Official Gazette RS, no. 59/1999). Database administrators authorised by law to collect data, may collect personal data referring to racial and other origins, political, religious and other beliefs, trade union membership or sexual orientation only on the basis of a written consent of the individual concerned (Article 3). Processing of such data shall be specially labelled and secured (Article 4).

Provisions on the personal data collection and protection relating to racial or other origin are also included in individual regulations on the operation of administrative and state bodies. The Act Amending **the Law on Enforcement of Penal Sanctions** (Official Gazette 12/1992) includes a new article (44) regulating the field of data collections on convicted persons and personal data protection.

Data referring to the identity of convicted persons comprise: name and surname, personal identification number, date and place of birth, **data on nationality** and citizenship (Article 44c). Data on nationality can only be collected **with the consent** of the convicted person to whom the data relate.

<sup>13</sup> Data are collected on the basis of a census held every 10 years. The questionnaire comprises data on national and religious identity; however, in compliance with the Constitution, no one is obliged to state his/her national or religious identity. The collected data are published in the Statistical Yearbook and Statistical Data.

27. The Constitution of the RS defines and determines, on the basis of the territorial principle, special rights of the autochthonous Italian and Hungarian national communities exercised in the entire legal order of the Republic of Slovenia (see items 8 to 14).

Members of the autochthonous Italian and Hungarian national communities and of the Romany community exercise their general human rights as individuals, like all citizens of the Republic of Slovenia, as well as individual rights arising from nationality: profession of national allegiance and fostering of their own language and culture (Article 61 of the Constitution of RS), the use of language and script (Article 62 of the Constitution of RS), as well as the right to vote and the right to be elected<sup>14</sup> in the election of representatives of the respective national community and of the Romany community.

28. The Constitution of RS stipulates in its Article 64 the fields in which special rights of national communities are exercised – education, culture, contacts with their respective ethnic communities living outside Slovenia, the use of their national symbols<sup>15</sup>, mass media and publishing, representation and co-decision making, and the establishment of their own organisations. These rights have been exercised by members of the autochthonous Italian and Hungarian national communities individually and together with other community members.

#### **Article 4**

- 1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.**

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<sup>14</sup> The legal order guarantees the dual voting right of representatives of the autochthonous Italian and Hungarian **national** communities. See details further in the text.

<sup>15</sup> The use of symbols of a national minority, i.e. the national anthem and the flag of the **national** community is by its very nature a collective right.

The right to freely use national symbols is guaranteed in Article 64 of the Constitution; the manner of use, however, has been regulated by the Law on the Use of Coat of Arms, Flag and National Anthem of the Republic of Slovenia (Official Gazette RS, no. 67/94), as well as in municipality statutes in ethnically mixed areas.

2. **The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.**
  
3. **The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.**

Paragraph 1

29. The Constitution of the Republic of Slovenia guarantees general human rights to everyone regardless of nationality, race, sex, language, religion, political or other belief, financial position, birth, education, social status or any other circumstance and guarantees judicial protection of human rights and freedoms (see item 19). The legal protection of human rights in Slovenia is based on these principles. In addition to legislative and other government bodies, the Human Rights Ombudsman<sup>16</sup> and a number of non-governmental organisations are entrusted with monitoring the exercise of human rights. The protection of the law is complemented by various activities, the purpose of which is raising awareness of the importance of the respect for and

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<sup>16</sup> **The Human Rights Ombudsman** is the superior body for lodging informal complaints in the state, as an independent and unbiased form of informal protection of individuals in relation to state authorities, local self-government authorities and bearers of public authority. The activities of the Human Rights Ombudsman are determined in the **Human Rights Ombudsman Act** (Official Gazette 7/1993 and 15/1994) as well as in the **Rules of Procedure of the Ombudsman** (Official Gazette 63/95). Only a citizen of the Republic of Slovenia may be elected as the Ombudsman (Article 11, The Human Rights Ombudsman Act). The Human Rights Ombudsman issues annual reports on the exercise of human rights in Slovenia which are dealt with by the National Assembly. In these reports, along with dealing with individual cases, he also makes proposals for amendments to legislation. At the end of individual chapters of the Report, an enumeration is given of those state and administrative authorities which did not respond to recommendations and proposals by the Ombudsman. **Any person** who believes that his/her human rights or fundamental freedoms have been violated by an act or deed of a body may lodge a petition with the Ombudsman to start the proceedings. The Ombudsman may also institute the proceedings on his own initiative. The procedure is free of charge (Article 9 of the Human Rights Ombudsman Act). The Rules of Procedure of the Ombudsman stipulate that the Ombudsman performs his work in the Slovene language (Article 2). Whoever does not master the Slovene language may lodge a petition in his/her own language. Article 38 of the Rules of Procedure determines the manner of resorting to extraordinary legal remedy for the protection of human rights. The Ombudsman may, under conditions provided by the Law, lodge before the Constitutional Court a **constitutional complaint** with regard to an individual matter he is dealing with. The constitutional complaint is lodged upon the consent of the person, whose human rights or fundamental freedoms are protected in a specific case.

knowledge of human rights. In addition, the Constitution, the statutes based on it and other legal acts guarantee special, collective rights of the autochthonous Italian and Hungarian national communities and of the Romany community.<sup>17</sup>

30. In drafting new statutory and other acts, both the already attained level of the acquired collective rights of minorities and the mentioned constitutional basis are taken into consideration. The legal protection of human rights and special rights of minorities is thus embedded in the integral legal order, from the Constitution to the statutes of municipalities. The material **“List of the most important regulations on special rights of the Italian and Hungarian ethnic communities in Slovenia”** gathered by the Office for Nationalities of the Government of the Republic of Slovenia (see Annex II) states that more than 30 acts and executive regulations relate to that area. The List contains a comprehensive review of legal order, summarising the most important articles and extracts from acts, executive regulations and community statutes. The mentioned legal acts constitute the framework and

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<sup>17</sup> The following constitutional provisions are important in respect of the exercise of human rights and the rights of minorities:

- within its own territory the state shall protect human rights and fundamental freedoms. It shall uphold and guarantee the right of the autochthonous Italian and Hungarian ethnic communities. It shall attend to the welfare of the autochthonous Slovene minorities in neighbouring countries, and of Slovene emigrants and migrant workers abroad and shall promote their contacts with their homeland. It shall assist the preservation of the natural and cultural heritage of Slovenia in harmony with the creation of opportunities for the development of civilised society and cultural life in Slovenia... (Article 5).
- **In Slovenia each individual shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other beliefs, financial status, birth, education, social status or whatever other personal circumstance. All persons shall be equal before the law. (Article 14);**
- **Human rights and fundamental freedoms shall be guaranteed judicial protection and the right to obtain redress for the abuse of such rights and freedoms (Article 15);**
- Each person shall be entitled to freely identify with his national grouping or ethnic community, to foster and give expression to his culture and to use his own language and script (Article 61);
- All incitement to ethnic, racial, religious or other discrimination, as well as the inflaming of ethnic, racial, religious or other hatred or intolerance shall be unconstitutional (Article 63);
- The status and special rights of the Roma living in Slovenia **is regulated by a statute** (Article 65).

institutional basis for the implementation of the rights of minorities in individual areas, and will as a whole continue to have an important place in the vision of the democratic development of the protection of human rights in Slovenia. The resources for exercising special rights of national communities are secured to the organisations of national communities, mainly from the budget of the Republic of Slovenia and partly from local government budgets.

Special interests of minorities are taken into account in the projects of economic and demographic development of individual areas.

31. The Office for Nationalities within the Government of the Republic of Slovenia is entrusted with coordinating and monitoring the implementation of constitutional obligations. The activities of the Office for Nationalities relate to the autochthonous national communities in the Republic of Slovenia (Italian and Hungarian national communities, the Roma). The Office for Nationalities secures to national communities budgetary funds for those activities that are not financed from other budgetary sources.<sup>18</sup>

The Office for Nationalities cooperates with all state authorities whose work concerns the field of protection of minorities, with self-governing communities of the Italian and Hungarian national communities and other minority institutions, with the Association of Romany Societies of Slovenia and with Romany societies, with municipalities and other representatives of local authorities. The Office also cooperates with research institutions which deal with research into the minorities and inter-ethnic relations. Through its activity, the Office maintains contacts with related institutions, particularly in the neighbouring countries, and also participates in Alps-Adriatic projects and projects of the Council of Europe relating to the protection of minorities.

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<sup>18</sup> On the basis of the Self-Governing Ethnic Communities Act, the Office for Nationalities secures funds for the activities of the Italian self-governing ethnic community on the coast, and for the Pomurje Hungarian self-governing ethnic community. In 1999, SIT 29,370,000 were secured for this purpose. The Office finances the activity of the Association of Romany Societies of Slovenia. In 1999, SIT 961,000 were secured to this end.

Individual projects carried out by the Association of Romany Societies of Slovenia are financed from other sources (Ministry of Culture, Ministry of Labour, Family and Social Affairs, Ministry of Education, local authorities and non-governmental organisations).

## Paragraph 2

32. This section of the Report states the essential characteristics of the implementation of special rights of national minorities in legislation and measures of the government policy of the RS in the area of the use of language, education, culture and co-decision making of ethnic communities, for which special measures are provided for on the basis of the principles of the Framework Convention in order to achieve effective equality.<sup>19</sup> The exercise of these rights is dealt with in detail on discussing individual fields further on in the text of the report.

33. Due to the specific situation of the Romany community (see item 13), the same criteria of minority protection as are applied to the other two autochthonous ethnic communities cannot be applied to the Romany community. Currently, the measures for achieving effective equality of the Romany community primarily encompass the endeavours to regulate their living conditions, their integration into society at large, to provide the possibilities for education, employment, preventive health protection, and for the development of culture, services providing information and preservation of their identity and tradition. The Report states the most important measures in the field of education of Romany children, the possibilities for cultural activities of the Roma, for the development of services for providing information (radio broadcasts for the Roma, their own newspaper) and of the right to be represented in the bodies of local self-government in the areas autochthonously inhabited by the Roma.

## 34. The use of the language of national minorities

In ethnically mixed areas, the Italian and Hungarian languages are equal to the Slovene language. This means that in the functioning of the judicial and state authorities and of the administration in ethnically mixed areas the use of the language of national minority is guaranteed throughout the procedure provided that one of the parties uses that language. Provisions on the equal use of the languages of both national minorities and provision on external bilingual status in ethnically mixed areas are included in laws and rules governing the functioning of the administration, state

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<sup>19</sup> For a detailed account of the implementation of the protection of ethnic communities in the Republic of Slovenia see the publications: "Ethnic Minorities in Slovenia" (editors Vera Klopčič and Janez Stergar, Ljubljana 1994) and

and judicial authorities (courts, public prosecutors' offices and notary offices) as well as the statutes of municipalities in ethnically mixed areas.

### 35. Education in the minority language, and learning that language

In ethnically mixed areas, members of national communities are guaranteed education in their mother tongue from pre-school education to completed secondary education. Two models of education are applied in practice. In the areas in which the Italian national community lives, pre-school education as well as elementary and secondary education are provided in separate schools with Slovene and Italian language, whereby the learning of the minority language is compulsory in schools with Slovene as the language of instruction and of the majority language in schools with Italian as the language of instruction in ethnically mixed areas. In areas in which the Hungarian national community lives, bilingual education has been introduced for all children living in that area. The students of both nationalities attend classes together, and the classes are held parallel in the Slovene and Hungarian languages.

36. Knowledge of both languages is not only an obligation of members of national communities, but also of members of the majority nation, therefore learning Italian is compulsory for the students in schools with Slovene as the language of instruction in the ethnically mixed area on the Coast, while all classes held in bilingual schools in Prekmurje are bilingual. At all levels of education the peculiarities of the language, culture and history of national communities are taken into consideration, and research into this field is encouraged.

### 37. Participation of the members of national minorities in decision making

The entire electoral legislation in Slovenia guarantees to members of the Italian and Hungarian minorities representation at all levels of decision-making, from municipal councils to the National Assembly of the Republic of Slovenia. Decisions and laws relating only to special rights of both minorities cannot be adopted without

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Dr Miran Komac "Protection of Ethnic Communities in the Republic of Slovenia", Ljubljana 1999, Institute for Ethnic Studies (The publication has been issued in the English, Slovene, Italian and Hungarian languages).

the prior consent of representatives of the minorities (for more details, see clarification to Article 15).

38. In order to realise their interests and to achieve organised cooperation in public affairs, both national minorities are establishing special self-governing national communities, at the municipal and republic levels<sup>20</sup>. Self-governing national communities also (co)establish organisations and public institutions and encourage contacts with their nation of origin. They can also perform tasks within the competence of the state.

### 39. Culture and the media

In ethnically mixed areas, the Italian and Hungarian national communities have established cultural organisations engaged in the preservation of their cultural identity and integrating their cultural activities. Members of national communities are guaranteed cooperation with those cultural institutions in ethnically mixed areas that contribute to the preservation of the culture of the Italian and Hungarian national communities, respectively (libraries, museums, galleries). In order to preserve the cultural identity of minorities two programmes are being carried out within the framework of the Ministry of Culture of the RS: integration and special programmes intended for financing cultural activities of national communities, of the Romany community, other minority communities and immigrants in the RS.

40. It is guaranteed that both national communities be informed in their own language through newspapers, radio and television. Legislation governing this field takes into account the specific needs of the minorities. Radio and television programmes in the Italian and Hungarian languages are part of the national programme broadcast by the national radio and television. Within that programme, full autonomy is guaranteed to editorial boards responsible for programmes in the Italian and Hungarian languages. Persons belonging to both national communities are also guaranteed participation in the Council of RTV Slovenia, which is the supreme managing body of the national

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<sup>20</sup> Self-governing Ethnic Communities Act, Official Gazette RS, no. 65/94.



radio and television. Programmes for both national minorities are broadcast by the regional RTV Centre Koper - Capodistria and the regional RTV Centre Maribor.

### Paragraph 3

41. The level of special rights of national communities was subject to various initiatives for the review of constitutionality before the Constitutional Court of the Republic of Slovenia<sup>21</sup>. These included initiatives for the assessment of conformity of provisions on compulsory bilingual education with the Constitution<sup>22</sup>, the use of symbols of national communities<sup>23</sup> and the dual voting right of persons belonging to national communities. The Constitutional Court confirmed the constitutionality of special measures in all cases. The award (Constitutional Court decisions, Official Gazette RS, no. 20/1998, p. 1313)<sup>24</sup> on the special “dual voting right” of persons belonging to national communities contains an instruction to supplement the criteria for ascertaining whether a certain citizen belongs to an individual national community on the basis of objective criteria and not merely on the basis of a subjective choice as a precondition for entry into a special voting register of self-governing national communities<sup>25</sup>.

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<sup>21</sup> The awards of the Constitutional Court are available on Internet in the English language, therefore only essential data are stated.

<sup>22</sup> On the initiative of Jože Gjurjan and Valerija Perger from Lendava and Marjan Žerdin from Čentiba, the Constitutional Court decided that Article 3/3 of the Organisation and Financing of Education Act is not contrary to the Constitution of the RS. U-I-94/96, Official Gazette **RS no. 77/1998**.

<sup>23</sup> The Constitutional Court dismissed the initiative of the Slovene National Party deputy group relating to the demand of the National Council for testing the provisions of the Law on the Use of Coat of Arms, Flag and National Anthem and of the Slovene National Flag Act. It established unanimously that the provisions governing the use of flags of **national** communities are not contrary to the Constitution of the RS. U-1-296/94, Official Gazette RS, no. 14/99.

<sup>24</sup> Constitutional Court: Decision on establishing conformity with the Constitution of the Law on Elections to the National Assembly, the Local Elections Act, and Article 22 of the Law on the Records of Voting Rights, Article 53, Paragraph 4, Article 134 and Article 140, Paragraph 2 of the Statute of Koper Municipality, on establishing unconstitutional legal gaps in the Law on the Records of Voting Rights and on partial dismissal of the initiative, Official Gazette RS, no. 20/1998, p. 1308-1314.

<sup>25</sup> On considering the initiative of Danijel Starman et al. from Koper on dual voting right of persons belonging to ethnic communities, the Constitutional Court of the Republic of Slovenia established, *inter alia*, that it was contrary to the Constitution that neither the Law on the Records of Voting Rights (Official Gazette RS, no. 46/52) nor any other act defines the criteria on the basis of which the commissions of the Italian and Hungarian self-governing communities decide on the entry of persons in the special voting register of citizens with dual voting right belonging to the autochthonous **national** community.

42. On considering the initiative for the review of constitutionality of the “dual voting right” of persons belonging to the Italian and Hungarian national minority in Slovenia, the Secretariat for Legislation and Legal Affairs of the National Assembly in a preliminary procedure replied to the initiative as a whole and established, *inter alia*, “that the Constitution guarantees special rights to national communities which are considered as positive discrimination”. The Secretariat stresses that the protection of minorities is an important criterion of democracy for an ethnically pluralist society. It draws attention to Article 4 of the Framework Convention of the Council of Europe on the Protection of National Minorities, to which Slovenia is a signatory<sup>26</sup>.

43. It is stated in the grounds for the decision<sup>27</sup> that allegiance to an autochthonous Italian or Hungarian national community is a status for which the Constitution guarantees certain rights, therefore the criteria according to which it is established whether a citizen is a member of the autochthonous Italian or Hungarian national community should be defined by statute. In the opinion of the Constitutional Court, the Act would not encroach upon the constitutional right under Article 61 since it would not prevent any person from professing his/her national allegiance. In deciding who is entitled to such special rights - for which only persons belonging to the autochthonous Italian and Hungarian national community are eligible under the Constitution - the will of an individual cannot be decisive; instead, statutory criteria must be established, in order to decide upon this issue.

## **Article 5**

- 1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.**

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<sup>26</sup> Constitutional Court decision 844. Official Gazette **RS**, no.20/1998 p. 1309 and 1310, items 8-16.

<sup>27</sup> This item of the decision was adopted unanimously.

- 2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.**

44. The legal basis lies in constitutional and statutory provisions (see Annex II) which encourage co-existence, equality and preservation of identity, as well as cultural pluralism in the country. The adopted documents and legal acts constitute the framework and institutional basis for the implementation of national policy in the field of the preservation of cultural identity, language and cultural heritage of the autochthonous national communities and the Roma, as well as for ensuring co-existence and enhancing knowledge about each other and the respect for different entities. These objectives are ensured in two ways – through national support for the functioning of autonomous minority institutions (institutions, media) and by engagement in public programmes and activities at the national level.

45. Libraries in ethnically mixed areas meet the cultural needs of members of the Italian and Hungarian national community and provide an adequate book fund in order to meet the needs of both communities<sup>28</sup>. Self-governing national communities (co)establish institutions and cultural institutions which are of importance for the exercise of the rights of national communities<sup>29</sup>. The cultural heritage of both national communities has also been protected (ethnological monuments – individual areas, buildings, groups of buildings or objects of everyday use which bear witness to the life and work of the Italian and Hungarian national communities)<sup>30</sup>.

The Republic of Slovenia encourages cultural creativity of the autochthonous national communities and of the Roma in their respective languages and co-finances publishing activities, radio and TV programmes for both ethnic communities and for the Roma.

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<sup>28</sup> Law on Librarianship, Official Gazette RS no. 27/82

<sup>29</sup> Law on Institutions, Official Gazette RS no. 12/91, Article 3

<sup>30</sup> Law on the Protection of Cultural Heritage, Official Gazette RS no. 1/81, Article 16/6

46. Two programmes are devoted to national communities at the Ministry of Culture: a special programme and an integration programme. The first one takes into account both the different circumstances in which ethnic minorities live and also the principle of positive discrimination, while the second one is concerned with the suitable integration of minority cultures into the majority culture. Within the Ministry of Culture a special Department for the culture of national communities, of the Romany community, immigrants and other minority ethnic communities has been operating. A group of experts in this field has been working closely with the Department, drafting proposals for the criteria to be applied in this field as well as proposals for annual programmes. A special programme of the Ministry of Culture in this field was introduced as early as the 70's, and it was expanded in the 90's to cover new types of ethnic minorities<sup>31</sup>. Three special programmes are financed within the Ministry, relating to the preservation and development of the culture and identity of national communities, Romany communities and other minority ethnic communities and immigrants. A special cultural programme intended for the above-mentioned minority communities is being financed mainly by funds from the Ministry of Culture and partly by local communities and various sponsors. In 1999, the Ministry of Culture launched the project of harmonisation of the national and local cultural policies towards ethnic minorities and drafted a proposal for criteria relating to shared financing of their cultural programmes. The programmes of minority communities in Slovenia are published in a special programme book together with data on refused and dismissed applications on an annual basis.

#### Paragraph 1

47. In the Republic of Slovenia, the Church is separated from the state, and religious communities enjoy an equal status, therefore the Law on Religious Communities does not enumerate the religions or determine which religions are recognised. Slovenia is a secular Republic respecting all religions. According to the data of December 1999, there are 31 registered religious communities in the Republic of Slovenia.

A special Office for Religious Communities is operating within the Government of the Republic of Slovenia. The activities of the Office relate to religious communities

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<sup>31</sup> In 1992, the Roma were included in this programme, and in 1993 immigrants and autochthonous Kočevje Germans (**Members of** German speaking community in the Kočevje region). The Jewish community was first included in the 1999 programme.

which registered their activities in Slovenia. The Republic of Slovenia does not secure funds for the activities of religious communities since their activities are separated from the state.

48. Articles 46 and 123 of the Constitution of RS guarantee the citizens the possibility of conscientious objection because of religious, philosophical or humanitarian beliefs. The Law on the Legal Status of Religious Communities (Official Gazette RS, no. 15/76, 42/86 and 22/91) derives from the constitution which guarantees equal rights of freedom of religion and religious communities and separation of the Church and State. It comprises the prohibition against inciting or stirring up religious intolerance, hatred or strife (Article 5/2). The Higher Education Act (Official Gazette RS, no. 67/93 and the decree on the Restructuring of the University of Ljubljana solved the issue of the degrees of the Theological Faculty of the University of Ljubljana as public documents. The same applies to private secondary schools which carry out publicly recognised programmes initiated by religious communities.

49. The official language in the Republic of Slovenia is Slovene, and in ethnically mixed areas also Italian and Hungarian<sup>32</sup>. For detailed provisions on legislation relating to the official use of the language of national community see Annex II.

50. In ethnically mixed areas, members of national communities are guaranteed education in their mother tongue from pre-school education until the completion of secondary education. Members of the majority nation in ethnically mixed areas also learn the language of the minority, which is a major contribution to understanding and co-existence between members of the majority nation and members of the Italian and Hungarian national community, as well as to the use in practice of the language of the national minority on the basis of equality.

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<sup>32</sup> From the Constitution of the Republic of Slovenia: (Article 11): The official language in Slovenia shall be Slovene. In those areas where Italian or Hungarian ethnic communities reside, the official language shall also be Italian or Hungarian.

51. The measures taken by the Republic of Slovenia in order to preserve the settlement of members of ethnic communities in ethnically mixed areas include the granting of favourable credits which members of both national communities may receive to stimulate economic activities<sup>33</sup>. By granting such credits, the Republic of Slovenia wishes to limit the emigration of members of national communities from ethnically mixed areas, since it has been evident from the experience that such migrations result in the processes of assimilation.

52. In May 1998 the Government of the Republic of Slovenia adopted the Draft Resolution on Immigration Policy, which was adopted by the National Assembly in 1999. The Resolution on Immigration Policy also includes integration policy as one of the objectives of immigration policy. The objectives of integration policy comprise guidelines formulating national policy in various fields of social life, and concrete activities of the state and local communities.<sup>34</sup> The Office for Nationalities, Office for Immigration and Refugees, Office for Youth (functioning within the Ministry of Education) and, partly, the Ministry of Culture, Ministry of Education and Ministry of Labour, Family and Social Affairs form the basis of state infrastructure in this field.

53. The activities of the Office for Immigration and Refugees comply with the Decree on the Establishment of the Office for Immigration and Refugees (Official Gazette RS no. 77/92), which determines the tasks of the Office. The Office monitors the immigration and refugee issues in the Republic of Slovenia<sup>35</sup>.

In performing its assignments, the Office cooperates with the Ministries and other republic administrative bodies and organisations as well as international, national and foreign governmental and non-governmental organisations. The Office directly

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<sup>33</sup> Credits in the amount of SIT 1,600,000,000 were granted in the years 1996-1999.

<sup>34</sup> Poročevalec [*Reporter*], Ljubljana, 11 June 1998, Draft Resolution on Immigration Policy

<sup>35</sup> The Office puts forward proposals and initiatives for the settlement of immigration and refugee issues, organises collective centres for temporary refugees, medical control of temporary refugees, asylum seekers, political refugees and other immigrants, repatriation of temporary refugees and displacement of political refugees, makes proposals for treating immigrants and refugees and proposals for service standards in the Transit Home for Foreigners, asylum homes and collective centres, draws up proposals for visa policy, organises information service for asylum seekers, temporary refugees and immigrants, issues publications and other information materials, organises training for work with refugees and asylum seekers, and performs professional tasks in dealing with complaints regarding refugee status.

cooperates with the UN High Commission for Refugees (UNHCR) and other international organisations dealing with immigration and refugee issues.

## **Article 6**

- 1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and cooperation among all persons living on their territory irrespective of those person's ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.**
- 2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.**

54. Co-existence of the members of national communities and the members of the majority nation in ethnically mixed areas, active participation of national communities in managing public affairs and efforts towards informing members of the national community and the majority nation have created opportunities for the co-habitation of people living in ethnically mixed areas. Education and schooling contribute to co-existence to a great extent, in particular bilingual education in the areas where the Hungarian national community lives, as well as compulsory lessons in both languages for all students living in ethnically mixed areas. The research conducted in the ethnically mixed areas (e.g. the project Inter-ethnic relations in the Slovene ethnic area by Albina Nečak Luk, Institute for Ethnic Studies<sup>36</sup>) shows a high level of co-existence between the populations in these areas.

55. With respect to substance, the reply to this Article comprises data on the situation and mutual relations of all nations, ethnic, religious and language groups living in Slovenia. The results of researches conducted in Slovenia (e.g. the research on the Slovene public opinion and researches by the institutes for research and science)

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<sup>36</sup> A part of the research results was published in the publication *Razprave in gradivo/ Treatises and Documents* no. 28, Ljubljana 1993

show that in general we cannot talk about intolerance towards minority communities in Slovenia, since the relations between the populations reveal a high level of co-existence and understanding for specific problems of the minorities.

56. Human rights education is part of the compulsory programme in elementary and secondary schools. The handbook “School and human rights”<sup>37</sup> also includes chapters on the development of lessons on human rights in Slovene schools. Human rights education is included in the subjects on ethics and society and in the humane interpersonal relations between individuals and the community. Within the activities of the Council of Europe, in the project “All different - all equal”, numerous events and activities have been organised in Slovenia. The Office of the RS for Youth and the Information and Documentation Centre of the Council of Europe in Slovenia arranged for the Slovene translation of the “Education and translation manual” for informal inter-cultural education and training.<sup>38</sup>

57. The field of education of the children of migrants comprises the inclusion of those children in the Slovene educational system and the right of the children of migrants to supplementary lessons in their mother tongue. The system of courses in the mother tongue for the children of migrants is based on the provisions of the Primary School Act and on the long experience of additional courses in the Slovene language in Western European countries<sup>39</sup>. Children and their parents decide on such courses on a voluntary basis. The courses are held once a week from 3 to 5 hours. Native speakers teach such classes. The initiative to start with the courses in the mother tongue was launched by the societies (Macedonian, Albanian and Arab) and the Macedonian and Croatian Embassy in Slovenia, and later by the Association of Albanian Societies in Slovenia. In 1999, the Ministry of Education of Croatia also launched the initiative.

58. The Office for International Cooperation within the Ministry of Education and Sports, together with the Institute of Education, offers organisational and expert

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<sup>37</sup> Milan Divjak: School and Human Rights, Ljubljana 1998

<sup>38</sup> Education and training manual for informal inter-cultural education and training, Ljubljana 1998, publishers: The Information and Documentation Centre of the Council of Europe in Slovenia, Office of the RS for Youth and the Association of Students' Hostels.

<sup>39</sup> These courses usually begin later than the official beginning of the school year.



assistance in training teachers for teaching the mother tongue as a second/or foreign language. Courses of Macedonian language are held on a reciprocal basis (children of Slovene nationality in Skopje are taught the Slovene language). Each side pays their teacher, and ensures provision of textbooks, while the other side provides the premises where classes are held. Courses in the Croatian language will be organised according to the same principle as courses in the Macedonian language. The Ministry of Education and Sport co-finances courses of Albanian and Arabic.

59. Data on the number of children of migrants in the Republic of Slovenia, learning their mother tongue, for 1999/2000 school year:

**Macedonian language**

1. Trnovo primary school, Ljubljana:	12 students
2. Jakob Aljaž primary school, Kranj	28 students
3. Koroška Bela primary school, Jesenice	12 students
4. First primary school, Celje	10 students

**Albanian language**

1. Kolezija primary school, Ljubljana	12 students
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**Arabic language**

1. Ivan Cankar Students' Hostel	15 students
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60. Financial support for cultural activities and possibilities for maintaining the identity of all language and cultural groups, is provided within the framework of the activities of the Ministry of Culture. The Ministry of Culture (see item 40 “immigrants”) has approved certain projects and programmes for the following communities for 1999: Bosniac Cultural Union of Slovenia, the Union of Croatian Associations in Slovenia, Macedonian Cultural Association in Slovenia, Association of the Serbian Community.

Within the framework of the proposals of the Union of Cultural Associations of Slovenia funds were also allocated to the Arabic Club in Slovenia. The Federation of

Cultural Organisations of Slovenia encourages the creativity of all individuals who are temporarily or permanently residing in Slovenia<sup>40</sup>.

61. Occasional incidents concerning the Roma and majority population relations do occur, in particular since the local population opposes the settlements of the Roma in some villages. In November 1995, the Government of the Republic of Slovenia adopted the Programme of Measures for providing aid to the Roma in the Republic of Slovenia. In accordance with this programme, and in cooperation with the municipalities, the Ministry of Education and Sport has enabled Romany children to be included in the educational programmes in kindergartens at least two years prior to enrolment in the elementary school, and secures additional funds for carrying out such forms of education which promote their socialisation.

62. During the process of gaining independence, and in the entire period of establishing legal order in this field, the regulation of the status of “new” foreigners - i.e. former co-citizens of the other countries of the former SFRY - was a demanding task, since it covered all spheres of social life as well as an intimate perception, by both the minority and the majority population. Table 1 shows that the percentage of the people who declared themselves Slovenes according to the 1953 census was 96.52 %. The percentage was reduced at each subsequent census despite the growing number of the population. This is one of the reasons for feeling threatened, in particular, in relation to the groups of the “non-Slovenes” the number of which was growing in that period. In this part we can compare the ratio between the autochthonous people and immigrants with the ratio in the countries of Western Europe.

63. At the level of legislative and legal order the legal status of immigrants was regulated by the adoption of the Law concerning the status of Citizens from other republics and provinces, successors to the former SFRY, adopted in 1999. The Citizenship Act, adopted at the time of Slovenia’s gaining independence, regulated the citizenship issue of the inhabitants of the Republic of Slovenia by stipulating

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<sup>40</sup> The invitation to competition for the national meeting of members of all nationalities and ethnic communities living in Slovenia is addressed to all authors writing in their mother tongue (From the daily “Delo”, 1 July 1999)

(Article 40) that all inhabitants who were legally living in the Republic of Slovenia and who fulfilled certain conditions (e.g. residing in Slovenia for a certain period or being employed in Slovenia) could acquire Slovene citizenship. This opportunity has been used by approximately 171,000 persons from other republics and provinces of the former Yugoslavia.

64. In 1995, representatives of certain nationalistically oriented parties in Slovenia filed a petition for holding a referendum on the revision of the Citizenship Act and the deprivation of citizenship acquired on the basis of Article 40. On 30 October 1995, the National Assembly of the Republic of Slovenia filed a request for constitutional review of the content of the petition for referendum. The National Assembly believed that »the content of the petition is contrary to the Constitution since it violates the fundamental constitutional principles and human rights and fundamental freedoms.« The National Assembly proposed that the Constitutional Court should declare the petition to be contrary to the Constitution of the Republic of Slovenia<sup>41</sup> »in order to prevent the possibility of the occurrence of negative social consequences and to prevent the potential unconstitutional inciting to inequality and intolerance.« The Constitutional Court thus confirmed the importance of legal certainty and respect for the acquired rights for all inhabitants of Slovenia.

65. Legislation on citizenship and on the status of foreigners and refugees regulates the rights in individual areas such as: procedures for acquiring citizenship to enter the country, granting refugee status, employment, cultural participation, residence, providing emergency health care etc.<sup>42</sup> The Republic of Slovenia offers help to foreigners in their integration into cultural, economic and social life<sup>43</sup>.

66. It is evident from the practice of judicial and other state and public authorities in this field, and from the cases dealt with by the Human Rights Ombudsman, that there

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<sup>41</sup> The Constitutional Court decided (decision of 20 November 1995, Official Gazette 69/1995) that the petition for the referendum which reads: "Do you agree that the National Assembly adopts the act concerning the deprivation of citizenship of the Republic of Slovenia acquired on the basis of Article 40 of the Citizenship Act?" is unconstitutional.

<sup>42</sup> Details on the right to citizenship and the manner of acquiring it - see Slovenia's Report on the Implementation of the Convention on the Elimination of All Forms of Racial Discrimination, items 131-134.

<sup>43</sup> Ibidem, items 135-143

are only a few extreme »nationalistic or racial« criminal offences and violations, or none at all. Most initiatives for the elimination of violations refer to solving everyday difficulties, brought about by changing living conditions, with which the law is still not sufficiently flexible to cope. We can establish that in the years after independence, the process of the adoption of and amendments to legislation succeeded in bridging the widest gaps in this field.

67. After 1991, the Ministry of the Interior Cases dealt with only 4 cases of reports due to criminal offences of instigation racial, national or religious intolerance (Article 134 of the Penal Code)<sup>44</sup>. Individual cases were dealt with by the Human Rights Ombudsman<sup>45</sup>.

68. In the opinion of the Ministry of the Interior of the Republic of Slovenia when drafting the reply – i.e. the report within the framework of the international project of the Inter-parliamentary Council on the elimination of antisemitism entitled »Antisemitism on the Internet: A Legal Analysis and Proposals for Action« - the Ministry is endeavouring to fight against racism on the Internet. The report established that »in Slovenia xenophobic texts are rare and express above all hatred towards the Roma, refugees and nationals of other states of the former Yugoslavia. In the Slovene society there is a fairly strong pillar of opposition to racism, both among the state institutions and in the civil society«<sup>46</sup>.

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<sup>44</sup> In the first case two suspects were propagating ideas about the Greater Serbia and insulted members of other nations in 1991. For example, they designated Slovenes as “wretches and servants” and denied the existence of the Muslims as a nations. By their conduct, they incited feelings of threat and revenge in members of other nations. In 1992, the Prosecutor’s Office dismissed the case on the grounds of lack of evidence.

In the second case, a non-Slovene citizen filed a complaint with the constitutional court on the grounds of his losing a job. In his opinion this was the fault of the Slovenes, therefore he “would be glad to participate in their extermination”. He was reported to have stirred up hatred against the Slovenes. In 1997, the Prosecutor’s Office dismissed the report on the grounds of negligible social risk.

In the third case, unknown perpetrators wrote various graffiti with Nazi content, such as “Ausländer raus”, “Juden raus” and drew a swastika in 1995. A report against an unknown perpetrator was filed, the perpetrator, however, has not been traced.

In the fourth case a suspect started collecting signatures in favour of the prevention of the settlement of a Romany family in his neighbourhood. At various meetings he warned other villagers about the “risks posed by the Gypsies in the village” and stirred up intolerance against the Roma in the village. The report is being processed by the Prosecutor’s Office.

<sup>45</sup> In 1997, the Human Rights Ombudsman dealt with the initiative concerning convicts who were non-Slovene citizens serving their prison sentence in Slovenia, and who believed that they were discriminated against. 1997 Human Rights Ombudsman Annual Report, pp. 48-49, Chapter “Discrimination of Convicts who are not Slovene citizens”.

<sup>46</sup> The report of the Ministry of the Interior of 10 February 1999, p. 5

69. Anyone who is a victim of racial discrimination may institute proceedings for judicial protection. Legal protection, guaranteed both by internal legislation and by international documents adopted, protects each individual from such acts and provides for criminal sanctions against the perpetrators and for the elimination of the consequences of such violations. In the event of an offence, the victim as a damaged party may institute civil proceedings for awarding damages.

#### **Article 7**

**The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression and freedom of thought, conscience and religion.**

70. The freedom of association and peaceful assembly is guaranteed by the Constitution of the Republic of Slovenia (Article 42). The right to association comprises one of the important fields of human rights and expression and realisation of interests at the private level and in the political arena. The right to association or to family life is also guaranteed to foreigners.

The right to join trade unions or form trade union associations in an individual work environment is one of the forms of guaranteeing the participation of workers. In the Republic of Slovenia individual branch trade unions are parties in the event of concluding collective agreements with the Government. The Political Parties Act (Official Gazette RS, no. 62/94) defines parties as associations of citizens (Article 1)<sup>47</sup>. The register of political parties is kept at the Ministry of the Interior of the Republic of Slovenia (Article 10). Entries into the register of a political party shall be published in the Official Gazette of the Republic of Slovenia (Article 12).

71. The right of association of individuals is guaranteed in the Societies Act (Official Gazette RS, no. 60/95), which in Article 5 defines societies as »voluntary, independent, non-profit associations of physical persons with common interests«. A

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<sup>47</sup> The right to establish a party is however not an absolute right. Article 3 stipulates that “in the Republic of Slovenia a party that incites violence, destruction of constitutional order or demands secession of any part of Slovenia, or intends to undertake or undertakes an anti-constitutional action is

foreigner may become a member of a society, if this is provided in the Articles of Association (Article 6). The society may be founded by a group of no less than 10 citizens (Article 8)<sup>48</sup>.

Both autochthonous national communities in the ethnically mixed areas establish self-governed national communities to represent their interests and express their requirements and to participate in public life in an organised manner<sup>49</sup>.

## Article 8

**The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his/her religion or belief and to establish religious institutions, organisations and associations.**

72. See explanation in Article 48 and 49.

In the field of human rights protection the Constitution of the Republic of Slovenia, *inter alia*, guarantees:

- Equal human rights and fundamental freedoms to each individual, irrespective of nationality, race, gender, language, religion, political or other beliefs, financial status, birth, education, social status or whatever other circumstance. All persons are equal before the law (Article 14);
- The profession of religion and other beliefs in private and public life is free. No person shall be compelled to admit his/her religious or other beliefs (Article 41);
- Religious groups enjoy equal rights; they are guaranteed freedom of activity (Article 7);
- All incitement to ethnic, racial, religious or other discrimination or other expression of hatred and intolerance is unconstitutional. All incitement to violence or to war is unconstitutional (Article 63);

73. Data on religious affiliation of the population with permanent residence in the Republic of Slovenia show that:

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no allowed to register or act" (Article 3/3). A foreigner cannot become a member of a party, but can become an honorary member, if the statute of the party envisages such a possibility (Article 7).

<sup>48</sup> A number of societies and cultural associations of national minorities and the Romany community are active in the Republic of Slovenia.

<sup>49</sup> Self-Governing National Communities Act, Article 1.

the Catholic religion is most strongly represented (the total number is 1,403,014, among those 1,334,150 Slovenes, 45,226 Croats, 6,959 Hungarians, 2,322 Italians), followed by the Orthodox (total number is 46,819, among those 34,304 Serbs, 2,580 Macedonians and 1,474 Montenegrins) and Islam (total number is 29,719, among those 20,609 Muslims and 2,422 Albanians).

The total number of atheists is 85,485, among those 75,836 Slovenes, 3,034 Serbs and 1,626 Croats. 82,837 persons did not wish to answer the question on their religious belief, and 294,318 persons did not respond.<sup>50</sup>

74. Provision of Article 20 of the Act on the Legal Status of the Religious Communities (Official Gazette RS, no. 15/76, 42/86 and 22/91) stipulates that the social community may give financial support to religious groups. The Act, by which the support is given, may stipulate the purpose of the use of the funds. Religious communities may avail themselves of the allocated funds. If the support was earmarked for a certain purpose, the authority which gave it may request a report on how it was used.

By the adoption of the state budget, the National Assembly of the Republic of Slovenia shall earmark the funds for religious communities under item “assistance to religious communities” or “current transfers to non-profit organisations and institutions”, which have symbolic significance and are designed mostly to cover the basic costs of religious communities when they organise activities which are in the interest of the wider community<sup>51</sup>.

75. Under item “contributions to priests” or “current transfers” for the funds of social insurance, a part of the contributions for social insurance of priests was earmarked by the National Assembly in the 1999 budget<sup>52</sup>. Assistance to religious communities and contributions to priests shall be allocated to all religious communities which file an application for such assistance or contributions. Indirect support is given to religious communities, also as to the owners of churches and other facilities of religious character, which have the status of a cultural monument.

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<sup>50</sup> Source: the Republic of Slovenia, Statistical Office of the Republic of Slovenia, 1991 census

<sup>51</sup> In the 1999 budget SIT 3,500,000.00 was earmarked for this purpose.

<sup>52</sup> In the 1999 budget SIT 223,544,000.00 was earmarked for this purpose.

## Article 9

- 1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions, and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems that persons belonging to a national minority are not be discriminated against in their access to the media.**
- 2. Paragraph 1 shall not prevent Parties from requiring the licencing, without discrimination and based on objective criteria, of sound radio and television broadcasting or cinema enterprises.**
- 3. The Parties shall not hinder the creation and use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.**
- 4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.**

76. In order to preserve the cultural identity of minorities and to maintain contacts with current developments, the entire area of information in the language of national minorities is of particular importance. Legislation governing this field takes into account the specific needs of minority communities. National communities and the Romany community in Slovenia have independent printed media published by the state support, and special minority programmes within the activities of the public media (RTV) in which the representatives of the minorities also participate in



management. Other means of public information are available for solving minority issues.

77. The Law on Mass Media (Official Gazette RS, no.36/94), *inter alia*, stipulates that the Republic of Slovenia supports the development of non-commercial mass media intended to inform the Italian and Hungarian national community and to develop the technical infrastructure necessary for their publishing or broadcasting (Article 3).

Radio and television institutions established by the relevant authorities of national communities are excluded from the limitations of ownership shares and from the obligation to broadcast programmes in the Slovene language.

78. The Mass Media Act stipulates that the priority in obtaining a free RTV channel will go to the organisation which broadcast RTV programmes with a prevailing part of their own production in the Slovene, Italian or Hungarian language, on the territory of the communities populated by the Italian and Hungarian national communities respectively (Article 53, third paragraph). The Law on Radio Television Slovenia (Official Gazette RS, no. 36/94) provides that the Italian and Hungarian national minorities appoint one member each to the Council of RTV Slovenia, which is the managing body of RTV Slovenia. This Council appoints programme councils for ethnic programmes. Programmes for both national minorities are carried out by the regional RTV Centre Koper-Capodistria and the regional RTV Centre Maribor. On the basis of the Law on Radio Television Slovenia, the Republic of Slovenia co-finances radio and TV programmes for the Italian and Hungarian national communities<sup>53</sup>. The provisions on the special status of ethnic programmes within RTV Slovenia are fully implemented.

79. The Republic of Slovenia supports the development of the technical infrastructure necessary for broadcasting and signal distribution on the territory where the two national minorities live, as well as some other transmitters which broadcast the programme of TV Koper/Capodistria (40% of Slovenia's population can watch this programme), Radio Koper/Capodistria (the Modri Val and Onda Blu

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<sup>53</sup> Co-financing of ethnic programmes on RTV Slovenia amounted in 1999 to SIT 108,295,000.

programmes, which are also meant for the Italian national minority, can be listened by 24 to 27% of Slovenia's population), radio Muravidék Magyar Rádío for the Hungarian national minority (can be listened to by 15 % of Slovenia's population).

80. With regard to the implementation of the Mass Media Act (Article 3, quoted above under Item 70) it may be established that the provisions are being implemented, except for the TV programme for the Hungarian national minority, where the programmes for Hungarian national minority have not reached the scope and permanent frequency characteristic of an independent television programme. The problem is the small number of technical personnel available at the studio in Lendava<sup>54</sup>. The programme in the Hungarian language has been broadcast twice a week during the last year.

81. Through the Office for Nationalities, the Republic of Slovenia co-finances the publishing activity, radio and TV programmes for the Roma and for both national minorities, and, within special programmes, also provides financial support through the Ministry of Culture, Ministry of Education, and the Public Relations and Media Office.

Around 85% of necessary resources are guaranteed from the budget of the Republic of Slovenia for the financing of the Hungarian ethnic community weekly »*Népújság*«<sup>55</sup>. The Ministry of Culture co-finances the publishing of the yearbook «*Naptár*» and the literary series «*Muratai*».

82. The Ministry of Culture supports the publishing of newspapers and yearbooks *La Città, Il Mandracchio, Lassa pur dir, Il trillo*. Slovenia contributes around 20% of the necessary means for the activities of joint institutions of the Italian minority<sup>56</sup> also comprising the publishing house «Edit» in Rijeka which publishes newspapers in the Italian language (*Voce del popolo, Panorama*) intended for the Italian minority in Slovenia and in Croatia. The remaining funds are provided by the Republic of Croatia; additional funds are also received from the parent country.

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<sup>54</sup> The funds for building a new TV studio are allocated from the 2000 state budget, which will enable extension of the programme in the Hungarian language.

<sup>55</sup> Co-financing of the Hungarian national community weekly «*Népújság*» amounted in 1999 to SIT 44,000,000.

See also explanation under Item 22.

83. The Romany community publishes a magazine »*Romano them - Romany world*«, with contributions in the Slovene and Romany languages. The publishing of this newspaper is co-financed by the Ministry of Culture. The Office for Nationalities co-finances radio programmes for the Roma on local radio stations in Novo mesto and Murska Sobota<sup>57</sup>. Radio programmes in the Romany and Slovene languages are intended for the education and informing of the Roma and for the presentation of their culture, as well as informing the wider society of their problems, and thereby fostering tolerance and coexistence.

## **Article 10**

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his/her own minority language in private and in public, orally and in writing.**
- 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.**
- 3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.**

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<sup>56</sup> Co-financing of joint institutions of the Italian national minority with their seat in Croatia - which also meets the needs of the Italians in Slovenia - amounted in 1999 to SIT 29,370,000.

<sup>57</sup> Co-financing amounted in 1999 to SIT 3,791,00.

84. Legal acts comply with the concept of a ethnically mixed area, on which the Italian or Hungarian languages are equal to the Slovene language.<sup>58</sup> Ethnically mixed areas are defined by the statutes of the following municipalities: Dobrovnik, Hodoš, Lendava, Moravske toplice, Šalovci, Izola, Koper, Piran. Provisions on the equal use of the languages of both minorities in ethnically mixed areas are included in laws and rules governing the functioning of the administration, state and judicial authorities<sup>59</sup> (courts, public prosecutors' offices, notary offices) as well as the statutes of municipalities in ethnically mixed areas<sup>60</sup>.

85. Court Rules (Official Gazette RS, no. 17/95) in a special chapter "operation of courts in the territories in which the Italian and Hungarian national communities reside" (Articles 60-69) *inter alia* stipulate the different possibilities for ensuring the equal use of the Italian or Hungarian language. In the event that there is only one party to the proceeding, or if both parties use one language, the proceeding is conducted in that language. If there are two parties to the proceeding using a different language, the proceeding is conducted in two languages. In such event, the records and orders or decisions of the court are also bilingual.

86. The Public Administration Act stipulates that in the ethnically mixed areas the administration shall conduct business, handle procedures and issue legal and other acts both in the Slovene language and in the language of the national community, if the party residing in this area uses the Italian or Hungarian language. In such event, the orders or decisions of the appellate court shall be in the same language or bilingual. The statutes of municipalities in the ethnically mixed areas and the rules on the operation of the administration (The Law on Workers in State Bodies, Official Gazette RS, no. 15/90) and state authorities (Ordinance on quotients for the basic remuneration of officials appointed by the Government of the Republic of Slovenia and other employees in the Slovene government services, administrative organs and

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<sup>58</sup> Public Administration Act, Official Gazette RS, no 67/94

<sup>59</sup> The Law on Courts (Official Gazette RS, no. 19/94) in Article 5 stipulates that "In the territories in which the autochthonous Italian and Hungarian **national** communities live, the business of the court shall also be conducted in the Italian or the Hungarian language if a party who lives in that territory uses the Italian or the Hungarian language" and that "expenses connected with the use in court of the Italian or Hungarian language shall be borne by the Republic of Slovenia".

<sup>60</sup> Judicial order, Official Gazette RS, no. 17/95

Notary Act, Official Gazette RS, no. 13/94 and 48/94

Public Prosecutor's Office Act, Official Gazette RS, no. 63/94

administrative units, Official Gazette RS, no. 82/94) stipulate in detail the implementation method of legal and constitutional provisions. It is important that the quoted Ordinance foresees the increase of basic salary for those positions for which the Act on internal organisation and systematisation prescribes knowledge of the language of the national community; this means a 6 % increase for active knowledge of the language of the national community and a 3 % increase for passive knowledge of the language of the national community.

87. In accordance with the constitutional provisions the ratified international documents are part of internal law. The provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the UN International Covenant on Civil and Political Rights, containing the provision under Article 10/3 are thus part of the legal order and are binding.

#### **Article 11**

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.**
- 2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.**
- 3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreement with other States, and taking into account their specific conditions, to display traditional local names, street names and the topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.**

88. The Law on Personal Names (Official Gazette RS, no. 2/87) stipulates that the personal name of a member of the Italian or Hungarian minority shall be recorded in the original form<sup>61</sup>, unless otherwise decided by members of these national minorities themselves. The registrars in the ethnically mixed areas shall issue extracts and certificates from the register books (data on register of births and deaths) in the Italian or Hungarian language (Law on Register of Births and Deaths, Official Gazette RS, no. 2/87). Foreign personal names, which are a part of the name of kindergarten or school, are written in accordance with the Slovene rules of writing or in accordance with the Italian or Hungarian rules of writing if the kindergarten or school in question has been co-established by the self-governed of these national minorities community (Law on the Organisation and Financing of Education, Official Gazette RS, no. 12/96, Article 69).

89. In the ethnically mixed areas, public and identification documents - e.g. personal identity card (Law on Personal Identity Card, Official Gazette RS, no. 75/97) and passport (Law on Passports of the Citizens of the Republic of Slovenia, Official Gazette RS, no. 1/91) - shall be bilingual or trilingual.

90. The street names and topographical signs and public notices and announcements meant for the public are bilingual. The Regulations on Determining the Names of Settlements and Streets and on the Marking of Settlements, Streets and Buildings (Official Gazette RS, no. 10/80, Article 25) stipulate that in the ethnically mixed areas the names of settlements and streets on signs shall be written in both languages. The Slovene name shall be written above and the language of the minority below. Both names shall be the same size.

## **Article 12**

**1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**

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<sup>61</sup> The Ministry of Culture devotes special attention to ensure correct language inscriptions of programme items; the last version of annual programme is therefore sent to **national** community co-

**2. In this context the Parties shall *inter alia* provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.**

**3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.**

91. The field of education in the language of the Italian minority or bilingual education (Slovene and Hungarian) is regulated by laws which refer to individual stages of schooling and by the Law on the Implementation of Special Rights for Members of the Italian and Hungarian National Minorities in the Field of Education. The funds from the state budget shall be earmarked for the textbooks and teaching aids for the programmes of national communities and for the Roma, while part of the investments shall be covered by the funds of the local communities<sup>62</sup>.

92. The method of education in the ethnically mixed areas shall guarantee that the members of the majority nation learn the minority language. The model of education is different for both national communities<sup>63</sup>. Schools with Italian as the language of instruction are in Izola, Koper and Piran. In each municipality there is one main school; in smaller settlements there are subsidiary schools. In the school year 1999/2000, 504 students attended schools with Italian as the language of instruction. The number of students in individual schools is given in the table below:

Elementary school	Number of students
1. Dante Alighieri Elementary School, Izola	121
2. Pier Paolo Vergerio il Vechio Elementary school	202
- Main school	161
- Semedela subsidiary school	18
- Bertoki subsidiary school	9
- Hrvatini subsidiary school	14

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ordinators for review.

<sup>62</sup> The Law on Organisation and Financing of Education, Official Gazette RS, no. 12/96, Article 81

<sup>63</sup> In bilingual kindergartens and schools in the nationally mixed areas in Prekmurje all children are educated in the Slovene and Hungarian languages regardless of the nationality. The Italian language is a compulsory subject in nationally mixed areas on the Coast in all schools with Slovene as the language of instruction; the Slovene language is compulsory in all schools with Italian as the language of instruction.

3. Vincenzo de Castro Elementary School, Piran	181
- Lucija subsidiary school	85
- Main school	40
- Sečovlje subsidiary school	48
- Strunjan subsidiary school	8
<b>Total number:</b>	<b>504</b>

93. In the ethnically mixed area on the Coast, the education and training for the members of the Italian ethnic community is carried out in the Italian language. In the school year 1999/2000, 235 children attended kindergarten with Italian as the language of instruction: 60 children attended the Dante Alighieri kindergarten in Izola, 77 children attended La Cocinella kindergarten in Lucija, and 98 children attended Delfino Blu kindergarten in Koper. Kindergartens have their units in all towns where there are elementary schools or their subsidiaries.

One of the most serious problems for kindergartens with Italian as the language of instruction is providing professional workers with the appropriate education. A total of 169 professionals are employed in kindergartens and schools with Italian as the language of instruction on the Coast, of which 33 are employed in kindergartens, 85 in elementary schools and 50 in secondary schools. The Italian national community has difficulties in providing a sufficient number of professionals with the appropriate education. The worst situation is in kindergartens where scarcely 50 % of workers with the required professional education are employed. In elementary schools, about 80 % of workers do have the required professional education, and in secondary schools there are 90 % of workers with the required professional education. In these cases kindergartens and schools obtain professionals from the neighbouring countries of Croatia and Italy. About 10 % of teachers in elementary and secondary schools come from Croatia, and about 4 % from Italy.

94. On the Coast there are three secondary schools with Italian as the language of instruction: two grammar schools and one secondary technical and vocational school. In the school year 1999/2000, 65 students in 4 classes attended the Antonio Sema Grammar School in Piran and 56 students in 4 classes attended the Gian Rinaldo Carli Grammar School in Koper. In the school year 1999/2000 there were 145



students in 17 classes attending the secondary technical and vocational school Pietro Coppo in Izola, qualifying for the profession of technician in the fields of economics and commerce, shop assistant, mechanical engineer and business administration technician. After completing secondary school, a small number of students become employed, while the majority continue their education at high schools or faculties in Slovenia; many, however, continue their education at the universities in Italy.

95. In the bilingual area of the municipalities Dobrovnik, Hodoš, Lendava, Moravske Toplice, Šalovci, where the Hungarian national community lives, there is bilingual education and training in kindergartens and elementary schools – in the Slovene and Hungarian languages. These kindergartens and schools are attended by children or students of Slovene and Hungarian nationality. Such method of work enables students to learn the second language in addition to their mother tongue as well as the culture of the other nation. Education and training is carried out in both languages. When learning their mother tongue and the second language, students are divided into groups, which enables them to better learn their mother tongue. In the school year 1999/2000 there were 1078 students attending bilingual schools in the municipalities of Dobrovnik, Hodoš-Šalovci, Lendava and Moravske Toplice.

The number of students in each primary school is given in the following table:

Primary school	Number of students
1. Bilingual primary school Lendava I	759
- central primary school	637
- affiliated primary school in Gaber	31
- affiliated primary school in Petišovci	15
- affiliated primary school in Dolina	35
- affiliated primary school in Čentiba	41
2. Bilingual primary school Lendava II (primary school with an adapted curriculum)	43
3. Bilingual primary school Vlaj Lajoš in Genterovci	86
4. Bilingual primary school Dobrovnik	99
5. Bilingual primary school Prosenjakovci	91
- central primary school	78
- affiliated primary school in Domanjševci	5
- affiliated primary school in Hodoš	8
<b>Total number:</b>	1078

96. In the ethnically mixed area of Pomurje, the following bilingual kindergartens are to be found: the kindergarten in Lendava, attended by 276 children, kindergarten classes in the framework of Prosenjakovci bilingual primary school, attended by 30 children, two classes in the framework of Moravske Toplice kindergarten, attended by 22 children, and two kindergarten classes in the framework of Dobrovnik primary school, attended by 31 children.

After completing elementary school, students may continue their education at the bilingual secondary school in Lendava<sup>64</sup>. In the event that they wish to continue to learn the Hungarian language at any of the secondary schools with Slovene as the language of instruction, the possibility of their studying the mother tongue without tuition is guaranteed.

The Hungarian Association in Ljubljana offers tuition in the Hungarian language for 19 students.

In the school year 1999/2000, Lendava bilingual secondary school comprised 21 classes, attended by 381 students: 5 grammar school classes, 8 classes qualifying for the profession of a technician in the field of economics, 3 classes qualifying for the profession of a mechanical engineering technician and 5 classes qualifying for the profession of a shop assistant.

97. Bilingual schools, especially small ones, also have problems in acquiring staff. In addition to the subjects he/she was trained for, a teacher has to teach other subjects in order to carry out the weekly teaching requirements. Out of 223 members of the specialist staff, 48 are employed in kindergartens, 133 in primary schools and 42 in the secondary school. 98 % of the specialist kindergarten staff has received appropriate training; in primary schools the number of such staff amounts to 86 % and in the secondary school to 74 %. The majority of the specialist staff graduated from the Faculty of Education in Maribor. School boards give warning that, during their studies, teachers lack good training in the methodology and didactics of bilingual

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<sup>64</sup> The bilingual secondary school has 4 classes of grammar school programme, 8 classes qualifying for the profession of a technician in the field of economics, 4 classes qualifying for the profession of a mechanical engineering technician, and 3 vocational classes in the field of metal working.

instruction. In the field of further training, regular forms of education, exchange programmes and joint seminars are conducted in the framework of bilateral cooperation and language instruction for teachers.

98. Regulations in the fields of education and training take into account the specific needs of Romany children, therefore, size regulation is necessary for Romany classes or for classes in which Romany children are included. Schools, integrating Romany pupils are granted additional classes by the Ministry of Education and Sport. These classes are then held for Romany children in small groups. In the school year 1999/2000, the ministry granted 301 classes per week for Romany pupils in the first four grades of the primary school and 97 classes per week in grades five to eight.<sup>65</sup>

In the school year 1999/2000, 1142 Romany children attended 59 primary schools in 24 municipalities in Slovenia. 163 students attended schools providing special curricula for children with special needs. In the school year 1998/1999, 148 children went to kindergartens.<sup>66</sup> The basic problem is the lack of qualified teaching personnel with good command of the Romany language. So far, the Ministry of Education and Sport has not been very successful in sponsoring the Romany students studying to

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<sup>65</sup> In primary schools, classes made up solely of Romany pupils are rather an exception. In the school year 1999/2000, there were only seven such classes. This shows that primary schools advocate the idea of integrating Romany pupils into regular classes. Such integration of Romany pupils, accompanied with periodic work in small groups, has provided suitable results in the last few years, as the number of Romany pupils who complete compulsory school attendance in grades five to eight has increased, so too has the number of those who after the primary school decide to study further.

In the school year 1998/1999, 88 Romany pupils completed compulsory school attendance, namely:

In 5 <sup>th</sup> grade	11 pupils
In 6 <sup>th</sup> grade	20 pupils
In 7 <sup>th</sup> grade	18 pupils
In 8 <sup>th</sup> grade	39 pupils

In the school year 1999/2000, 55 pupils decided to study further:

51 pupils enrolled for the programmes of secondary vocational schools.

4 pupils enrolled for the programmes of primary-school education.

<sup>66</sup> Better results are also due to the integration of Romany children into the after-school programme. In the school year 1999/2000, 405 Romany pupils partook in the after-school programme in primary schools in Slovenia. In the same school year 1130 Romany pupils received the school snack, the Ministry of Education covering the cost for 1085 of them. 545 Romany pupils received lunch. The Ministry of Education continued the practice of remitting SIT 1100 monthly per each Romany student as assistance in covering the costs of school requisites, transport and entrance fees for cultural activities, days of natural science activities and sports days. Schools provide textbooks for Romany children from textbook holdings.

become teachers. In the school year 1996/1997, only one student of art education received a scholarship.<sup>67</sup> In the last few years there were no other applicants.

99. By following subjects in the natural and social sciences, history and geography (at the primary school level), and history and sociology, all pupils in the Republic of Slovenia become acquainted with the fundamental characteristics of the culture, history and identity of national communities.

The Institute for Ethnic Studies, The Scientific Research Centre of SASA (Slovenian Academy of Arts and Science) and the European Centre for Regional Studies continually study different dimensions of interethnic relations. Students of social sciences who write theses in this field are able to study it thoroughly by consulting the extensive library and documentation of the Institute for Ethnic Studies in Ljubljana. This institute also employs members of the ethnic minorities from the Republic of Slovenia and abroad as junior researchers.

100. Intergovernmental commissions examining the cultural, scientific and educational cooperation with the neighbouring countries also include representatives of national minorities, since agreements on cooperation in this field foresee the study of possible forms for perfecting ethnic minority protection. This especially involves concrete agreements on the possibility of further teacher training, purchase of teaching aids, seminars and students' exchange. Agreements on mutual recognition and nostrification of diplomas and certificates, concluded with two neighbouring countries, enable students to transfer, obtain further education and find a job.

### **Article 13**

- 1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.**
  
- 2. The exercise of this right shall not entail any financial obligation for the Parties.**

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<sup>67</sup> There were no other candidates for a scholarship.

101. Slovenia possesses a traditionally organised network of public schooling for the needs of national minorities. Both ethnic minorities participate in planning the curricula, pursuing the educational policies and in running the educational institutions. Among other things, the self-governing national communities (co)-establish organisations and public institutions in the field of education.<sup>68</sup> This is why so far nobody has expressed the need to found private schools for national communities alongside the public schools, although this is legally possible.

102. One of the provisions of the Law on Public Institutions (Official Gazette RS, no. 12/91) is that a self-governing national community has the right to co-establish or on its own establish a public institution, which then carries out an activity important for the national community to be able to exercise its rights. The Italian and Hungarian national community send one representative each to the Councils of Experts, which among other things discuss and determine school curricula and programmes intended for the Italian and Hungarian national communities (Law on the Organisation and Financing of Education, Article 24 and 25).

#### **Article 14**

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.**
- 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.**

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<sup>68</sup> The self-governing ethnic communities are co-founders of all schools and kindergartens in the ethnically mixed areas which educate members of that **national** community.

**3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.**

103. The language and cultural policies in the field of education aim at creating conditions for coexistence and mutual understanding of different cultures. Within the network of public schools, from the kindergarten up to the secondary school, members of the national minority in the ethnically mixed areas learn their own language (or all instruction is carried out in the language of the ethnic community) at all levels of education. At the same time they get acquainted with the language of the majority population. If children from the minority communities, after finishing primary schooling, enrol at a secondary school outside the ethnically mixed area, they also have possibilities to learn their language there.

104. Apart from legal provisions, bilingualism essentially contributes to the coexistence in the ethnically mixed area, since the system of education in these areas is organised in such a way that members of the majority population also learn the language of the minority.<sup>69</sup> See explanation to points 93-99.

105. The Law on Implementation of Special Rights for Members of the Italian and Hungarian National Minorities in the Field of Education (Official Gazette RS, no. 12/82) stipulates that educational programme on the pre-school level must be adapted in such a way so as to allow children, apart from the development of their mother tongue, to learn the basics of the Slovene language or the language of the national minority (Article 7). On the level of primary and secondary school, the curricula, according to which members of the Italian and Hungarian national communities are instructed, must consider the special historical, geographical and other achievements of their nation and assure the respect of the national sentiment of these students (Article 8). Educational institutions educating members of the Italian and Hungarian national communities shall cooperate with corresponding institutions in their nation of origin in compliance with their annual work plans (Article 15).

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<sup>69</sup> Education in the language of the Italian minority and bilingual education (in Slovene and Hungarian) are regulated in detail by The Law on the Organisation and Financing of Education and by the laws that regulate individual levels of education (Law on Kindergartens (Official Gazette RS, no. 12 / 96), Law on Primary Schooling (Official Gazette RS, no. 12 / 96), Law on Grammar Schools (Official Gazette RS, no. 12 / 96) and Law on Vocational and Professional Training (Official Gazette RS, no. 12 / 96).

Members of the Italian or Hungarian national minorities must also be among the pedagogic employees who perform consultant and supervisory work in educational organisations. (Article 28).

## **Article 15**

**The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.**

106. Participation of members of the national minorities in cultural, social, economic and political life is guaranteed at all levels.<sup>70</sup>

Members of the Italian and Hungarian national communities have, as do all other citizens, the right to establish their own organisations and associations. The Constitution of the Republic of Slovenia, however, anticipates that they may also organise their self-governing national communities in the areas, where they autochthonously live. The self-governing national communities are defined by law (The law on Self-governing National Communities, Official Gazette RS, no. 65/94) as public legal persons, founded by members of the Italian and Hungarian national communities in the area they live on in order to be able to implement the special rights guaranteed to them by the constitution, to assert their needs and interests and to take part in public affairs in an organised manner. They implement their tasks by promoting and organising cultural, research, informative, publishing and economic activities essential for the development of national communities, by establishing organisations and public institutions, by following and promoting development of education and schooling of members of national communities, by participating in

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<sup>70</sup> Review of laws regulating participation of **national** communities in handling public affairs: Participation of representatives of **national** communities in handling public affairs is regulated by the following laws (text of individual articles are to be found in Annex II): Law on Self-governing Ethnic Communities (Official Gazette RS, no. 65/94), Law on Elections to the National Assembly (Official Gazette RS, no. 44/92), Law on the Records of Voting Rights (Official Gazette RS, no. 46/92), Law on Local Self-government (Official Gazette RS, no. 72/93), Law on the Radio and Television Service of Slovenia (Official Gazette RS, no. 18/94), Law on the Organisation and Financing of Education (Official Gazette RS, no. 12/96), Law on Implementation of Special Rights for Members of the Italian and Hungarian National Minorities in the Field of Education (Official Gazette RS, no. 12/82), Law on Protection of Public Interest in the Area of Culture (Official Gazette RS, no. 75/94).

planning and organising the educational work and preparing the educational programmes pursuant to law, by establishing contacts with their nation of origin, with members of ethnic communities in other states and with international organisations. They are authorised to perform other tasks arising from the statute.

107. National communities are primarily organised into municipal self-governing national communities, formed on the territory of the municipality in which the Italian or Hungarian national communities autochthonously live. They are managed by the community council, elected by the members of the national community in that area by direct elections, which are usually held simultaneously with the elections to municipal councils according to the regulations in force for local elections.

108. A self-governing national community presents a special form of minority autonomy and enables the national community to co-decide, through its legitimately elected representatives, not only on internal minority issues, but also on all issues concerning the minority status at the local or national level. This is rendered possible through its right to submit suggestions and initiatives to national and local bodies. The local community and state are required by law to get the national community's opinion and in some cases even consent on all important issues concerning the community. Practice has shown that self-governing national communities won wide recognition and helped clear up the question of how a minority should organise itself on the basis of its special interests, and at the same time preserve its capacity to assert its views and affiliation through political parties, as all other citizens.

109. Laws on education, culture and the right to information guarantee integration of the members of the Italian and Hungarian national communities in managing all those public institutions which try to satisfy the needs of national communities. As stipulated by the law, the boards of these institutions include representatives, appointed by the self-governing national communities in order to represent the interests of the Italian or Hungarian national communities. In the field of education, the national community is guaranteed representation on the kindergarten and school boards. Furthermore, experts from the ranks of the national community participate in planning and approving the educational programmes for kindergartens and schools. Representatives of both national communities also have a special place on the bodies



of the national radio and television station RTV Slovenija, where they sit on its board, the highest managing body. In addition to this, there are programme councils for the Italian and Hungarian ethnic programmes, in which also representatives of both national communities take an active part.

110. It is of extreme importance for the national community to be able to participate in the decision-making processes in the area it lives on, as this most directly influences its life and the possibility to solve the everyday needs. This is why it is important for the members of the national communities to take part not only in those decisions which allow them to assert their specific interests and to secure their rights, but also on those occasions when they can collectively contribute to the settling of those issues which are important for all residents. Apart from being able to submit suggestions and initiatives through their self-governing national communities, members of the national communities in the ethnically mixed areas are guaranteed the right to have at least one representative on the municipal council. This representative is elected from a special minority list of candidates. It is interesting to note that in their statutes, all Slovene municipalities inhabited by the Italian and Hungarian national communities opted for more representatives of the national community.

111. Municipal councillors elected from minority lists of candidates enjoy the same rights as all others. When, however, the protection of special rights for the national communities is concerned, a decision cannot be taken without their consent. Since this is an important right, the law has provided for such a mandate to pertain only to decisions implementing the constitutional rights. To prevent any arbitrariness or abuse, municipal councillors also have to obtain the consent of their self-governing national community before such a decision is reached. This provision functions as a safeguard, which prevents the most important issues concerning the rights of the communities from being settled by outvoting, and requires the parties to seek coordinated solutions. Moreover, the municipal statutes guarantee participation of minority representatives in the municipal bodies.

112. In the ethnically mixed municipalities special commissions for national communities have been nominated by municipal councils, which comprise representatives of the majority population and of national communities. These

commissions are the working bodies of the municipal council and regularly discuss all issues relating to the coexistence of the majority nation and the minority in the municipality, and also try to find solutions to the problems which arise before they appear in their extreme form.

113. The most important form of co-decision guaranteed to the two national communities in Slovenia is their right to have one deputy each in the National Assembly.<sup>71</sup> The two deputies are elected from special lists of candidates, voted for only by members of the national communities. Deputies of both national communities have the same status as all other deputies and, like the municipal councillors from the ranks of national communities, have the right to exercise the veto on those acts and regulations of the National Assembly which refer solely to minority rights. Such a law cannot be passed without their consent. Obviously, this gives them the responsibility to solve possible disagreements in controversial cases during the preliminary deliberations, yet so far there has been no need for the two deputies to veto a statutory act. The two deputies partake in various working bodies of the National Assembly and have a special place in the National Assembly's Commission for National Communities, which like all other working bodies consists of representatives of all parliamentary parties and is by tradition alternately presided by the minority delegates. The Commission forms opinions on all legislative and other regulations which may in any way interfere with the status of the national communities in the country.

114. At the national level, the Italian and Hungarian national communities are represented by the Coastal Italian Self-governing National Community and the Hungarian National Self-governing Community of Pomurje, which coordinate the attitude of both ethnic communities towards all issues concerning their status on the

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<sup>71</sup> Members of **national** communities have two votes. With the first they take part as all other citizens in the general elections to municipal councils and to the parliament, and with the second they elect their representative from a special list of candidates. The right to vote and the right to be elected is held by those members of **national** communities who live in the ethnically mixed area and enter their names into a special electoral register. During the first elections in 1990, it was possible for everyone in the ethnically mixed area, holding the right to vote, to vote for a representative of the **national** community. Because of the small number of the minority members, especially in the coastal area, the votes of the majority population could actually prevail, and the minority candidate could in practice be elected by members of the majority. Later on, the Law on election restricted this right to only those citizens who enter their names into the electoral register, designed for members of the minority.

regional and national level. Furthermore, they act as partners in deliberations with the government and other state bodies. All important statutory and other acts relating to the rights of the national communities are discussed by the representatives of competent ministries, government agencies and both self-governing national communities, before they are dealt with by the government.

115. The government established the Commission for National Communities and the Commission for Romany Issues. They both offer a possibility for a dialogue with the representatives of the national communities on all issues, relating to the implementing of the practical minority policy in our country.

- The Commission of the Government of the RS for National Communities includes:
  - representatives of competent ministries, who through their work touch upon the status of national communities, a representative of the Hungarian Self-governing National Community of Pomurje and a representative of the Coastal Italian Self-governing National Community.
- The Commission of the Government of the RS for Romany Issues includes:
  - representatives of the ministries and government agencies, whose work also concerns care for the Romany population, representatives of some municipalities with a Romany population and representatives of the Slovene Union of Romany Associations.

116. Under the Law on Local Self-government<sup>72</sup>, municipalities in the areas inhabited by members of the Hungarian and Italian national communities are formed in such a way as to guarantee implementation of the special rights for national communities. In these areas, the two national communities have at least one representative in the municipal council. The same provision, guaranteeing a representative in a municipal council, is also in force in the areas with the autochthonous Romany community. This provides the opportunity to incorporate the Roma into the co-administration of local communities<sup>73</sup>. In practice, special parity

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<sup>72</sup> Official Gazette RS, no. 72/93

<sup>73</sup> **Untill now there is only one Roma representative in Local Council of municipality of Murska Sobota**

commissions have started working in the municipalities, trying to promptly settle all open issues in the relations between the Roma and the majority population. This has proved that prompt informing of the population on the issues of minority communities, and encouragement to develop co-existence and tolerance, is of significant importance. In solving the Romany issues special attention should be paid to the elimination of causes leading to conflicts with the majority population.

117. The right to vote is guaranteed to all citizens who have attained the age of 18 or more and have legal capacity. Foreign citizens living on the territory of the Republic of Slovenia may vote in the event of elections in their home country, either in writing or at diplomatic missions and consular posts.

#### **Article 16**

**The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.**

118. The territorial regulation of the area inhabited by the Italian national community in the Republic of Slovenia has not been changed in the last decades. Likewise, the territories of three municipalities (Koper, Izola, Piran), defined in their statutes as ethnically mixed areas, have so far not been changed in any way.

119. After the Law on Local Self-government (1993) and the Law on the Formation of the Municipalities (Official Gazette RS, no. 60/94) were passed, the Hungarian national community in the area bordering on Hungary lived in the following municipalities: Dobrovnik, Hodoš-Salovci, Moravske Toplice and Lendava. After it had received numerous initiatives for new municipalities to be established, the National Assembly of the Republic of Slovenia passed the Law on Changes and Amendments to the Law on the Formation of Municipalities (Official Gazette RS, no. 56/98) in 1998. This law provided for the municipality Hodoš-Šalovci to be divided into two municipalities: Hodoš and Šalovci, and for the municipality of Dobrovnik to branch off from the municipality of Lendava. Both changes were made on the basis of

the referendum, in which a great majority of the population chose such a solution. This suggestion was given special support by the Hungarian national community. For the first time in the Republic of Slovenia, two municipalities were formed (Hodoš and Dobrovnik), where the national community was in the majority. It needs to be stressed that despite the organisational changes, the areas declared as ethnically mixed did not change in any way, so that the special rights, enjoyed by the members of the national communities in these areas, are preserved, irrespective of the manner in which the local self-government is organised.

120. Debates on the regional arrangement of the Republic of Slovenia have only just commenced, therefore it is impossible to foresee at the moment how future regions will be formed. At any rate, ethnically mixed areas will have to be taken into consideration and it is to be expected that the Italian and Hungarian national communities will not be divided into more regions.

#### **Article 17**

- 1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.**
- 2. The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.**

121. All citizens of the Republic of Slovenia have the right to freely establish cross-border contacts. Apart from this, the Constitution of the Republic of Slovenia stipulates the special right of national communities to establish contacts with the nation of origin, which is also defined as one of the obligations of the self-governing national communities. Both national communities cooperate with minorities in other countries and in the international organisations. Among others, the Hungarian national

community maintains contacts with the Hungarian minority in Romania and the Slovak Republic.

122. International commissions concerned with cultural, scientific and educational cooperation with the neighbouring countries also include representatives of the national minorities (see explanation to point 91). Before agreements are reached with the neighbouring countries, or before meetings are held with statesmen from the parent country, the highest representatives of the Republic of Slovenia have regular sessions with the representatives of the Italian and/or Hungarian national community.

123. At the regional level, Slovenia is active within the framework of the Alps-Adriatic working group and Central European Initiative (CEI), in which it strives for constructive cooperation between the countries in the field of human rights and protection of national and ethnic minorities, as well as for active cooperation among the representatives of minorities.

## **Article 18**

- 1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.**
- 2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.**

124. Members of the Slovene minority live in the countries neighbouring on Slovenia, and at the same time members of the ethnic communities from the neighbouring countries live in Slovenia. Cooperation with the neighbouring countries also reflects the interests of the minority community. Especially important is cooperation in the field of culture, regulated by agreements on cultural cooperation

with the neighbouring countries<sup>74</sup>, cooperation between border municipalities<sup>75</sup> and concrete cooperation between individual minority organisations and institutions with the parent country. The Italian national community in Slovenia has a joint organisation (The Italian Union) with the Italian minority in Croatia. For more on the contents of bilateral agreements, see points 19-23.

#### **Article 19**

**The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.**

125. No such limitations are known in the Republic of Slovenia.

#### **Article 20**

**In the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.**

126. So far no violation of principles set in Article 20 have been noted.

#### **Article 21**

**Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.**

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<sup>74</sup> For more on bilateral / international agreements with Italy and Hungary, see points 19-23.

<sup>75</sup> For example, the municipalities of Lendava and Lenti reached a special agreement on cooperation.

## **Article 22**

**Nothing in the present convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any Contracting Party or under any other agreement to which it is a Party.**

## **Article 23**

**The rights and freedoms flowing from the principles enshrined in the present framework Convention, in so far as they are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the Protocols thereto, shall be understood so as to conform to the latter provisions.**

## **Article 30**

- 1. Any state may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible to which this framework Convention shall apply.**
- 2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this framework Convention to any other territory specified in the declaration. In respect of such territory the framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.**

**Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.**



## Anex I : Demographic, social and economic picture of the Italian and Hungarian ethnic minorities

### Under Article 3

The Republic of Slovenia still has a relatively homogenous population structure, although the share of non-Slovene population experiences gradual growth. The data of the 1991 census show the following picture:

YEAR/ Nationality	1953	1961	1971	1981	1991
Slovenes	1,415,448	1,522,248	1,624,029	1,712,445	1,727,018 (87.84%)
Italians	854 <sup>76</sup>	3,072	3,001	2,187	3,064 (0.16%)
Hungarians	11,019	10,498	9,785	9,496	8,503 (0.43%)
Roma	1,663	158	977	1,435	2,293 (0.12%)
Austrians	289	254	278	180	199 (0.01%)
Germans	1,617	732	422	380	546 (0.06%)
Jews	15	21	72	9	37
Croats	17,978	31,429	42,182	55,625	54,212 (2.76%)
Serbs	11,225	13,609	20,521	42,182	47,911 (2.44%)
Albanians	169	282	1281	1985	3629 (0.18%)
Montenegrins	1,356	1,384	1,978	3,217	4,396 (0.22%)
Macedonians	640	1009	1613	3288	4432 (0.23%)
Muslims <sup>77</sup>	1,617	465	3,231	13,425	26,842 (1.37%)
Yugoslavs <sup>78</sup>	-	2,784	6,744	26,263	12,307 (0.63%)
Undeclared	-	-	3,073	2,975	9,011 (0.46%)
Regional affiliation <sup>79</sup>	-	-	2,705	4,018	5,254 (0.27%)
Others	...	...	...	...	...
Unknown or unclear	211	1,154	2,964	10,636	53,545 (2.72%)
TOTAL	1,466,425	1,591,523	1,727,137	1,891,864	1,965,986

<sup>76</sup> This number does not include those Italians, who at the time of the census lived on the Free territory of Trieste (the coastal Primorsko region or the then B zone), which represents the majority of the territory on which the Italian ethnic minority autochthonously lives in Slovenia.

<sup>77</sup> The ethnic category of "Muslims", introduced by the Yugoslav censuses after the second world war, comprises especially people from the territory of Bosnia and Herzegovina, who now usually declare themselves as Bosnians.

<sup>78</sup> This ethnic category covers mostly children from ethnically mixed marriages, especially in those cases, when husband and wife belonged to different Serb and/or Croat speaking ethnic communities or when at least one of them was member of one of the Serb and/or Croat speaking ethnic communities.

<sup>79</sup> Censuses from 1971 onward provided also for the possibility of regional affiliation of individual's identity which is not necessarily ethnically conditioned, but depends on the region of living in a narrow sense, ie. Istria, the Primorsko, the Dolenjsko region.

					(100%)
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## DEMOGRAPHIC PICTURE OF THE ITALIAN AND HUNGARIAN ETHNIC COMMUNITIES<sup>80</sup>

### 1. ITALIAN ETHNIC COMMUNITY

According to the last census in 1991, the Italian ethnic community in Slovenia numbered (according to ethnic affiliation) 3063 persons (2187 persons in the 1981 census). The ethnically mixed areas within the municipalities Koper, Izola and Piran comprise the towns Koper/Capodistria, Škocijan/S. Canziano, Semedela/Semedella, Šalara/Salara, Bertoki/Bertocchi, Ankaran/Ancarano, Hrvatini/Crevattini, Škofije/Valmarin in the Koper municipality, the municipal centre Izola/Isola, and the towns Piran/Pirano, Portorož/Portorose, Lucija/Lucia, Strunjan/Strugnano, Seèa/Sezza, Seèovlje/Sicciole, and Parecag/Parezzago. Within the structure of the ethnically mixed areas as defined above, the proportion of Italians in the total number of inhabitants is somewhat more pronounced only in Strunjan/Strugnano (approx. 20%), while it elsewhere rarely exceeds 10%, with the total percentage being under 5%. It is typical for the Italian minority in Slovenia that most of its members - some 75% - live in urban centres where they represent only a small portion of the population. The most accurate definition of their distribution would be “dispersion across a narrow, predominantly urban environment”.

Before World War Two the Italian population in the ethnically mixed areas represented a local majority in the towns and only in some small rural settlements, whereas in the greater part of the hinterland of Slovenian Istria there was practically none. When the majority of Italians moved away in the decade after the Second World War, the situation drastically changed and the Italian population became a minority in the cities as well; it thus now represents less than 5% of the total population. The proportion of Italians in the post-war period declined continuously, particularly because of the steady immigration from other parts of Slovenia and from the republics of former Yugoslavia.

**Table No. 2:** The absolute and relative number of Italian inhabitants in the ethnically mixed areas of Slovene Istria in the period from 1961 to 1991

Year	Total of inhabitants	Number of Italians	Proportion of Italians
1961	34,063	2,581	7.6
1971	43,894	2,467	5.6
1981	55,465	1,849	3.3
1991	61,078	2,575	4.2

Source: Geographica Slovenica 16, p. 52; 1991 census

<sup>80</sup> Source: Dr Jernej Zupančič, Demographic, social and economic picture of the Italian and Hungarian Ethnic Communities, in Miran Komac: Protection of Ethnic Communities in the Republic of Slovenia, Ljubljana 1999, p.16-36.

The ethnic structure of the Italian autochthonous settlement area in Slovene Istria is highly mixed. The last census in 1991 showed that Slovenes predominate in the region (two thirds),

some four percent are Italians, almost five percent are Serbs, more than 8% are Croats, then Bosnians (in the statistics still called Muslims), etc. Particularly interesting is the group of inhabitants who did not want to declare affiliation with a particular national group, but they declared themselves to be Yugoslavs, or undetermined (both more than 1%); and a sizeable group is placed in the category “unknown” - more than 5%. An interesting group is also the one that declared regional - Istrian adherence. One tenth of the population did not declare ethnic affiliation and chose other possible forms of collective determination.

**Table No. 3:** Ethnic structure of the autochthonous settlement area

<b>Ethnic affiliation</b>	<b>number</b>	<b>%</b>
Slovenes	41,323	67.7
Italians	2,575	4.2
Hungarians	75	0.1
Roma	4	0
Albanians	196	0.3
Austrians, Germans	23	0
Bulgarians	12	0
Czechs	15	0
Montenegrins	265	0.4
Greeks	1	0
Croats	5,197	8.5
Macedonians	177	0.3
Muslims	1,461	2.4
Polish	8	0
Russians	17	0
Slovaks	24	0
Serbs	2,864	4.7
Turks	25	0
Ukrainians	18	0
Romanians	1	0
Jews	2	0
Others	78	0.1
Undetermined	830	1.4
“Yugoslavs”	782	1.3
Regional adherence	1,413	2.3
Unknown/unclear	3,516	5.8

### **1.1. Demographic development of the minority: birthrate, age structure, migratory movements**

In the period from 1961 to 1991, the number of Italians in Slovenia changed little, somewhat greater were the differences between the autochthonous settlement area and other areas in Slovenia. It should be emphasised that in the first area there were, as a rule, some 85% of Italians, and elsewhere some 15%. The changing numbers in the various areas are not primarily the result of Italian migration but fall into the category of ethnic determination. Among the Italian population there was already a good decade ago a large proportion of older people and only a small number of births.

There is, however, renewed growth, which means that a part of the Italian ethnic group is statistically hidden in other categories, while at the same time a part of the population of other regional and ethnic origin declared Italian affiliation.

**Table No. 4:** Numerical movement in the Italian population in the period from 1961 to 1991

Year	Ethnically mixed areas - number	Ethnically mixed areas – proportion	Elsewhere in Slovenia - number	Elsewhere in Slovenia - proportion	Total in Slovenia
1961	2,581	84.00	491	16.00	3,072
1971	2,467	82.20	534	17.80	3,001
1981	1,849	84.50	338	15.50	2,187
1991	2,575	84.00	489	16.00	3,064

Source: Statistical Yearbook of the Republic of Slovenia, 1992; Geographica Slovenica 16  
Graph 3: Numerical development of the Italian population in Slovenia

The number of inhabitants who declared their mother tongue to be Italian is greater by a full 1000 (or one quarter) than the number of people who declared Italian ethnic affiliation, which confirms the thesis about a large number of mixed marriages. In 1991, there was a total of 4009 persons in Slovenia with Italian as their mother tongue. According to slightly older data of 1981, approximately two thirds of people with Italian as their mother tongue declared themselves to be Italians. (Geographica Slovenica 16).

In its age structure, the Italian community has retained the characteristics of the rather aged population from the previous decade; in this there are no significant differences between the Italian community at large and Italians in the autochthonous settlement area. The structure according to sex shows expected deviations, with males predominating in the younger age groups (up to 35 years), while in the older age groups there are significantly more females, in the 70-plus group even twice as many as males. The age pyramid is narrower at the lower end, thus among the younger population; there is an approximately equal number of persons in the under-20 age group than in the 65-plus group. The ageing index which indicates the ratio between the two age groups is thus around 100, which is a typical indicator of an aged population, one that is beyond simple biological reproduction (the population cannot maintain its numbers in a natural/biological way). The most numerous age group is the one from 50 to 65 years, with those from the younger adult group between 25-40 years following far behind. It is interesting to note the deficit in the 40-50 age group, which could be the consequence of a lower birthrate in the early post-war period, since that was a time of major migrations and political shake-ups. However, the age pyramid is also the result of ethnic determination, and that has sociopolitical and sociopsychological causes, which is also reflected in demographic indicators.

The ethnic determination characteristics are most probably responsible for the birthrate and mortality data, as shown by the next table. Since age structure is shown in census data and demographic events in register data, such a divergence can only be the result of the fact that in the register, the ethnic origin of the mother (mother tongue), was (chiefly) considered, whereas in the census the individual identified himself/herself according to his own judgment with a certain (in this case, Italian) ethnic group. Mortality is comparable to the state average, while the birthrate could be

expected (according to the age structure) to be somewhere between 6 and 7.5; the natural population growth would thus be convincingly negative. However, to reach the extent shown by the data, it must have been the result of different data sources and should be considered with reservations.

The birthrate in the settlement area is somewhat lower than the Slovenian average, but the natural population growth is still positive, in accordance with the Slovenian average, because of the relatively low mortality. This is obviously the result of migratory movements during which the population in the region of Slovene Istria increased. The increase was mainly noted in the younger generation, which is, from the aspect of the economy, a positive trend. And yet, the low birthrate shows a decline in migration to the area. We can therefore predict that the total population growth will decline, that mortality will gradually increase and, in the absence of any turnabouts in the birthrate, change to a negative natural population growth.

**Table No. 5:**

	Number	Birthrate in ‰	Mortality in ‰	Natural population growth in %
Italians (total)	3,064	1	10	-9
Izola municipality	13,770	8.1	7.8	0.3
Koper municipality	45,391	9.3	7.5	1.8
Piran municipality	16,768	10.2	7.7	2.5
SLOVENIA	1,965,986	10.8	9.7	1.1

Vital coefficients for members of the Italian ethnic community in the year 1991 and for the settlement area

Migration is thus an important factor in the growth of the total population number of the coastal towns and the nearby suburban areas; in this case, mostly immigration. The autochthonous settlement area of the Italian minority is one of the principal immigration areas in Slovenia, which caused drastic changes in its ethnic structure.

Contrary to the Slovene and Italian population, the population from the Yugoslav republics has been on the increase due to immigration, which has resulted in a motley collection of members of some 20 nationalities with a total of just under a third of the whole population. The area changed into a distinctly multiethnic, multilingual and multicultural environment where, because of the large number of mixed marriages, the number of those who do not wish to declare their ethnic affiliation has also grown. Concerning the migratory flow, the “littoralisation” process should be mentioned, that is, the pressure to settle mainly on the coast and the immediate hinterland. This process includes particularly older people, often pensioners.

## **1.2. Employment structure of the minority**

Education is the basis of the socioeconomic structure of the minority. Considering the noticeable old age of the minority population, the above average proportion of

persons with less than eight years of primary school is not unexpected. Conversely, the proportion of those with completed primary school is significantly lower than the state average. The proportion of Italians with vocational training is noticeably lower, and the proportion with completed secondary school is higher than that of the whole population of Slovenia. In the groups with tertiary education, the proportion is on a par with the Slovenian average. That in itself says a lot about the territory where the ethnic community lives - it shows its dynamic and active character and the resulting favourable qualification structure, in spite of the noticeable old age of the minority population.

**Table No. 6:** Educational structure of the Italians in 1991

Education	EMA		Elsewhere in Istria		Outside Istria		Total		Slovenia
	number	proportion	number	proportion	number	proportion	number	proportion	Proportion
Up to 7 years primary school	749	32.9	62	44.9	62	20.5	873	32.1	17.1
primary school	425	18.6	21	15.2	80	26.5	526	19.4	30
vocational training	358	15.7	19	13.2	55	18.2	432	15.9	26.6
secondary school	563	24.8	24	17.4	71	23.5	658	24.2	16.3
2-year university education	94	4.1	4	2.9	14	4.6	112	4.1	4.5
4-year university education	85	3.7	7	5.1	18	6	110	4.1	4.3
unknown	7	0.3	1	0.7	2	6.6	10	0.4	1.3
total	2,281	100	138	100	302	100	2,721	100	100

EMA = ethnically mixed areas

Source: Geographica Slovenica 16, p. 52; Statistical Yearbook of the Republic of Slovenia, 1992, Ljubljana 1992

Even more clearly demonstrated is the adaptation of the minority's socioeconomic structure to the conditions in the region, since the proportion of those employed in the industry is significantly lower (18%) than that of the Slovenian average (44%), and the Italian population represents an above average share of employees in various tertiary occupations. Employment in the field of education and culture is particularly conspicuous, which might be (*inter alia*) the specific result of measures implemented for the protection of the ethnic community.

**Table No. 7:** Employed Italians according to type of occupation and area of residence

Occupation	EMA		Elsewhere in Istria		Outside Istria		Total		Slovenia proportion
	number	proportion	number	proportion	number	proportion	number	proportion	
industry, mining	210	17.2	12	15.4	31	31	253	18	44
agriculture, fisheries	133	10.9	15	19.2	12	12	160	11.4	1.7
water management	1	0	0	0	0	0	1	0.1	0.2
building	32	2.6	2	2.6	4	4	38	2.7	5.2
industry transport and communications	102	8.3	11	14.1	6	6	119	8.5	5.2
commerce	113	9.2	5	6.4	10	10	132	9.4	9.6
hotel and catering	90	7.4	0	0	5	5	95	6.8	2.8
industry, tourism	73	6	8	10.3	5	5	86	6.1	2.6
personal services	16	1.3	0	0	1	1	17	1.2	1.6
public utility services	101	8.3	7	9	8	8	116	8.3	6
financial, technical, business services	236	19.3	9	11.5	8	8	253	18	7.4
education and culture	77	6.3	5	6.4	6	6	88	6.3	8.1
health and social security	31	2.5	4	5.1	3	3	38	2.7	4.2

admini stration unkno wn total	5	0.4	0	0	2	2	7	0.5	0
	1,224	100	78	100	101	100	1,403	100	100

Source: Geographica Slovenica 16, p. 52, Statistical Yearbook of the Republic of Slovenia, 1992, Ljubljana 1992; Yearbook of Slovenia, 1997

### 1.3. Status of the minority in the social structure

By Slovenian standards, most members of the minority belong to the middle class in which various independent occupations, officials, teachers etc. are mainly represented. The number of businessmen has been on the increase because of frequent individual contacts with Italy where many have relatives. At the same time cross-border cooperation is one of the economic foundations of the minority, especially in the area of trade. In the last decade, cross-border cooperation has increased also through various joint trading venture.

**Table No. 8:** Basic population groups of the Italians

	EMA	Elsewhere in Istria	Outside Istria	Total
living abroad	69	5	31	105
employed	973	64	86	1123
unemployed	76	3	5	84
housewives	214	13	32	259
children, students	477	34	23	534
unable of work	40	2	5	47
pensioners	690	40	135	865
other	36	3	8	47
total	2575	164	325	3064

EMA = ethnically mixed areas

Source: Statistical Yearbook of the Republic of Slovenia, 1992, Ljubljana 1992

Most members of the Italian minority are employed in various tertiary occupations, and that creates an appearance of socioethnic homogeneity. That, however, is a reflection of how the community has adapted to circumstances at the open border, in an urban, economically extremely dynamic area. The noticeable disproportion between the minority and members of other ethnic groups in the region is therefore at the same time a consequence of the spatial function of minorities at the open border, and of persistently following the model of economic, social and spatial development, based on industrialisation and urbanisation.

## 2. HUNGARIAN ETHNIC COMMUNITY

The autochthonous settlement area of **Hungarians** in Slovenia comprises a narrow strip of land along the Slovene-Hungarian border which is divided into a southern and a northern part by the Slovene settlements of Kobilje, Strehovci and Bukovnica. The total area of the district amounts to 195 km<sup>2</sup>, 65 km<sup>2</sup> of those with 8 settlements in the northern district, and 130 km<sup>2</sup> with 22 settlements in the southern district.



Administratively, the area belongs to five municipalities: Hodoš, Moravske toplice, Šalovci, Lendava and Dobrovnik. The Hungarian ethnic community has until this day preserved relative spatial compactness. In the ethnically mixed area they are still the most numerous population group, although the proportion of Hungarians has slowly but steadily declined. In the northern part of the ethnically mixed area they still represent about two thirds of the population, and in the southern part just under one half. For education and employment reasons, the Hungarian population migrated to larger Slovene cities, such as Ljubljana, Maribor, Koper, Murska Sobota etc., which created in addition to compact also dispersed settlement. It should be added that a part of Hungarians living in the cities mentioned are originally from Vojvodina.

### **2.1. Absolute and relative number of minority members on the national and regional scale**

According to the census of 1991, there were 8503 Hungarians living in Slovenia, representing 0.4% of the population of Slovenia. The great majority of those lived in the autochthonous settlement area in the border region of Prekmurje: 7128 people or 84% of all Hungarians in Slovenia; in the northern part, 59% of the population is Hungarian, and in the southern part, 48% of the population. Of the 14,418 inhabitants in the entire ethnically mixed area, 7128 or 49% are Hungarians. Some 15% (around 1300) live in other parts of Prekmurje and Slovenia, especially in cities, which is the result of economic migration. The social transformation of the border region was late in coming but therefore no less thorough and with practically the same consequences as elsewhere. The Hungarian minority is also becoming urbanised, and the consequence of that is a certain degree of dispersion across Slovenia, especially in urban areas. In the time of the census they were present in small numbers in all cities and all municipalities of Slovenia (this applies to the division of Slovenia into 61 municipalities as was the situation in 1991).

The census showed a somewhat greater number of people having Hungarian as their mother tongue; in all of Slovenia there were 9240 such people, that is 737 (8.7%) more than by ethnic affiliation alone. Of those, 7511 (81.4%) lived in the ethnically mixed area, 656 (7%) in the remaining settlements of Prekmurje, and 1070 (11.6%) in other regions of Slovenia. The Hungarian ethnic community has thus still preserved the characteristics of a territorially compact community, even though it also demonstrates signs of migration, similarly to other ethnic groups.

In addition to Hungarians and Slovenes, who make up the great majority of the population particularly in rural areas, there is a sizeable number of immigrants (especially in Lendava and the surrounding towns) from the neighbouring Međimurje as a result of modern day immigration for reasons of employment and generally better living conditions, and also because of mixed marriages. Immigrants from other republics of former Yugoslavia are less numerous.

### **2.2. Number of minority members in relation to other inhabitants of the area**

In the autochthonous settlement area of the Hungarian minority there lived 14,040 people in 1991. Just over half of them were Hungarians (51.7%), a good third were Slovenes (36.1%), and the remainder amounts to just over one tenth (12.2%). Of that remainder, 821 (5.8%) were Croats who had immigrated after the Second World War. There were two distinct waves of that immigration. The first were qualified workers

on the oil fields and in the oil refineries in Petišovci and Lendava. Most of those were educated in Zagreb. The second wave were immigrants from the nearby Međimurje on the Croatian side who came to find employment in menial jobs in factories and the building industry, and also on state-owned farms, while some came to marry (the same applies to Slovenes marrying on the Croatian side). A very small number of members of numerous other nations are also present. One other group stands out prominently, namely those people who did not declare ethnic affiliation in the census. These are either persons in mixed marriages who did not want to declare themselves, but even more importantly, people working abroad (migrant workers) whom the census did not reach. Migrant workers are a typical phenomenon in areas with a large proportion of undetermined or unknown affiliation.

**Table No. 9:** Number and proportion of the population in the ethnically mixed area of Prekmurje according to ethnic affiliation in 1991

ethnic affiliation	number	percentage
Slovenes	5,052	36.1
Hungarians	7,251	51.7
Roma	57	0.4
Albanians	36	0.2
Germans, Austrians	32	0.2
Montenegrins	8	0.0
Croats	821	5.8
Macedonians	9	0.0
Bosnians (Muslims)	7	0.0
Serbs	85	0.6
others who declared ethnic affiliation	167	1.2
unknown	515	3.7
TOTAL	14,040	100

### **2.3. Demographic development of the minority: birthrate, age structure, migratory movements**

The number of Hungarian population in Slovenia has gradually declined in the post-war period, from over 11,000 in 1951 to 8500 in 1991, thus by more than one fifth. A comparison with the number of persons whose mother tongue is Hungarian will show that this is a case of assimilation - as a result of the ethnic community living in a majority Slovene society. Because of the numerous contacts and socioeconomic integration into the majority society a certain number of members of the minority become assimilated, in spite of the measures of protection for the ethnic minority that have been in place for a long time. We must not forget here that theoretically, but also and especially practically, these measures can apply only to the permanent traditional settlement area, and not to new settlement nuclei of members of the Hungarian minority, which have come about because of modernisation of the minority society and migratory dynamics of its members who look for better work and better living conditions as those found in their restricted settlement area. This territory is far too small for all professional profiles and urbanisation is a phenomenon which the ethnic community cannot avoid. From the table below we may therefore see that the proportion of urban population is increasing, and that mostly outside the

autochthonous settlement area, similarly to other minorities in Europe. Resettlement and as a consequence also a certain degree of slow assimilation is the fate of small minority communities in particular in the less developed regions of Europe.

**Table No. 10:** The numerical development of the Hungarian population in Slovenia and the changing pattern of settlement

	1951		1961		1971		1981		1991	
	number	proportion	number	proportion	number	proportion	number	proportion	number	proportion
total	11,019	100	10,498	100	9,785	100	9,496	100	8,503	100
in the ethnically mixed area			9,685	92.3	8,828	90.2	8,324	87.7	7,128	83.8
elsewhere in Prekmurje			214	2	236	2.4	293	3.1	509	6
elsewhere in Slovenia			599	5.7	721	7.4	879	9.2	866	10.2

Source: Statistical Yearbook of the Republic of Slovenia, 1996

However, migratory dynamics and the resulting degree of assimilation are not the only and probably not even the most important reasons for the numerical decline of the Hungarian minority in Slovenia. We may look for causes of a negative numerical development in the demographic characteristics of the Hungarians; their birthrate, mortality and age structure. Studies in the mid-eighties already drew attention to the noticeable old age of the Hungarian population and the low birthrate, because of which the natural population trend was negative (*Geographica Slovenica* 16, 1985, pp. 19-29, 1987).

The age structure of the Hungarian population is, compared to the total population of Slovenia, distinctly unfavourable, since the age groups of the younger population (up to 25 years of age) are decidedly weak. The age pyramid is wide at the top end, denoting a considerably larger number of older people than young ones. There is no great difference in the distribution of age categories between the various settlement areas of the Hungarians. In all cases, the groups from 30 to 70 years are the most numerous, particularly the ones from 35-45, and the number of young people from 0 to 10 years is even smaller than the number of people over 75. Similarly, the age group from 50 to 70 years is stronger than the group from 20 to 40 years. Today's reproductive generation is thus numerically weaker than the generation of its parents, even though that has already reached the age categories bordering on average life expectancy. That means that in the next few decades we may expect a decline in the Hungarian population numbers. We should note that the phenomenon of decline in the birthrate has been constantly present for the last few decades, and this is a characteristic of the Hungarian nation as a whole and not only of those Hungarians living in Slovenia.

**Table No. 11:** Birthrate in the Hungarian population in the various settlement areas in 1991

Settlement area	Number of inhabitants	Birthrate	Mortality	Natural population growth
Hungarians total	8,503	7.6	11.4	-3.8
municipality	26,143	10.1	13.5	-3.4
Lendava				
municipality	63,744	9.3	12.9	-3.6
Murska Sobota				
total for	1,965,986	10.8	9.7	1.1
Slovenia in				
1991				

Source: Geographica Slovenica 16, pg. 52; Statistical Yearbook of the Republic of Slovenia, 1992, Ljubljana 1992; Statistical Yearbook of Slovenia, 1996

In recent years, the birthrate in all of Slovenia has fallen to 9.5, while the mortality has remained at the same level, thus the total natural population growth is barely positive. Taking into account the vital coefficients shown (the Slovene average is taken for the mortality data), the natural population growth of the Hungarian population is strongly negative (above 3), and the age structure also points to the fact that the Hungarian population cannot reproduce by natural means, and that the degree of biological reproduction has been negative for a long time.

The trend of migratory movements is also negative, since marginal areas still report emigration (because of employment, education, housing, marriage and other reasons), while immigration occurs mainly in cases of marriage. An exception to this rule is the southern part of the settlement area in and around Lendava, and that partly balances out the negative trend of the northern hills district of Goriško. However, a strongly positive trend has been noted in Hungarian immigration into cities such as Murska Sobota, Maribor and Ljubljana. Some Hungarians also leave to find temporary employment abroad, similarly to Slovenes from these areas (Prekmurje still has the strongest emigration rate in Slovenia), and some of them over time become permanent emigrants. According to the results of the last census, 503 people live abroad temporarily, which is a lot considering the total number of Hungarians.

**Both processes, migratory dynamics as well as the indicators of natural movement of the Hungarian population, are quite negative and predict a continued gradual decline in the number of Hungarians along this path.**

### 3. ECONOMIC FACTORS

The settlement area of the Hungarian minority is one of the less developed problem areas of Slovenia and is threatened with disintegration of its culture because of emigration and ageing population. In the past, this trend was even more pronounced because of the virtually closed border. Property across the border in Hungary could not be used. The whole region, except for Lendava and its immediate surroundings in the southern part of the ethnically mixed area, was an underdeveloped district which received financial aid from state funds; this, however, did not solve the structural difficulties of the region. Medium-term plans were directed towards employment of

the local population in smaller production facilities, while the inhabitants were forced to look for work in other countries - as their ancestors have had to do for the last few generations. Instead of seasonal work, going abroad became popular and it is still typical for this region. Agriculture contributes significantly to the gross added value, but therefore the economic strength of the population expressed in taxable income per inhabitant is in most of Prekmurje some 15% under the Slovene average. The region is also known for its below-average dynamics of small business development.

### 3.1. Employment structure of the minority

The educational structure is the basis of the employment structure; it shows the ability to adapt to new challenges, especially in the economy. However, the educational structure does not necessarily mean good (or bad) economic structure; a fairly low average level of education is not only the reflection of an aged population but also the consequence of the fact that young and generally better educated people move away into more central parts of Slovenia.

**Table No. 12:** The educational structure of the Hungarians by settlement areas in 1991

	EMA	Murska Sobota	Prekmurje	elsewhere	TOTAL
no schooling	6	0	1	1	8
up to 7 years of primary school	453	4	18	47	522
primary school	1,955	27	61	110	2,153
vocational training	767	20	46	97	930
secondary school	547	20	26	145	738
2-year university education	125	8	8	40	181
4-year university education	82	20	3	53	158
unknown	24	0	0	2	26
total	3,959	99	163	495	4,716

EMA = ethnically mixed area

Source: Statistical Yearbook of the Republic of Slovenia, 1992, Ljubljana 1992

The educational structure of the Hungarian population displays a distinct duality between the autochthonous settlement area and Prekmurje on the one hand, and Murska Sobota and elsewhere in Slovenia on the other. This is mainly the result of the city-country dichotomy. The total picture of the community corresponds mostly to the former, since that represents the greater part of the minority community. In the first group people with primary school education (or less) predominate with some 60%, which is far above the national average of 45%. This may be explained by the high percentage of older and therefore less educated people, and in addition the ethnically mixed border region had its own characteristic development. In the fifties and sixties few children enrolled at Slovene secondary schools and vocational schools because of their inadequate knowledge of the Slovene language. Also, in rural societies the children traditionally took over farms. The proportion of children who continued their education at secondary school level outside the ethnically mixed area started to increase with the modernisation of the society in Prekmurje. This trend was

stimulated by migrant workers who brought fresh ideas and challenges to the region. In the remaining parts of Prekmurje (with exception of Murska Sobota), the proportion of people with primary schooling only is somewhat lower, and there are more people with vocational training. This shows the greater spatial mobility of the population with qualifications that was drained from the autochthonous but qualitatively totally peripheral region. The structure of Hungarians in Murska Sobota and other parts of Slovenia presents an almost typical picture of an urban population: people with primary schooling represent less than one third of the population, while there are already more than one fifth of those with tertiary education (at the national level the percentage is less than 10%).

On the one hand this is a sign of migration of the better educated population, and on the other hand it also shows the positive effects of minority schools which have helped to form a small but important and influential element of the minority that preserves its language and ethnic identity even in a foreign language environment. At the same time this also indicates the functional space of the minority which is stretching from its autochthonous territory towards the larger urban centres with decision-making power.

Educational structure is at the same time an indicator of opportunities for members of the minority to assert themselves; the better the educational structure, the greater the likelihood that they will be included into certain jobs and social dynamics.

**Table No. 13:** Employment of the Hungarian population according to occupations in the settlement area in 1991

Occupation	EMA		MS		EP		ES		total		Total for Slovenia	
	number	proportion	number	proportion	number	proportion	number	proportion	number	proportion	number	Proportion
Industry, mining	1,332	34.5	36	36.4	35	24.5	142	28.7	1,545	32.9	290,105	44
Agriculture, fisheries	1,595	41.3	6	6.1	49	34.3	21	4.2	1,671	35.6	11,307	1.7
Forestry	15	0.4	0	0	0	0	0	0	15	0.3	4,180	0.6
Water management	2	0.1	0	0	1	0.7	0	0	3	0.1	1,161	0.2
Building industry	121	3.1	1	1	14	9.8	20	4	157	3.3	34,424	5.2
Transport and communications	90	2.3	5	5.1	5	3.5	18	3.6	118	2.5	38,931	5.9
Commerce	212	5.5	4	4	5	3.5	35	7.1	256	5.5	63,100	9.6
Hotels and catering	68	1.8	2	2	5	3.5	26	5.3	101	2.2	18,721	2.8

g, tourism												
Trade, person al service s	90	2.3	5	5.1	3	2.1	28	5.7	126	2.7	16,876	2.6
Public utility service s	20	0.5	1	1	2	1	6	1.2	29	0.6	10,713	1.6
Financi al, technic al, busines s service s	27	0.7	6	6.1	0	0	33	6.7	66	1.4	39,655	6
Educati on and culture	183	4.7	8	8.1	10	7	42	8.5	243	5.2	48,988	7.4
Health and social securit y	11	0.3	17	17.2	6	4.2	72	14.5	205	4.4	53,105	8.1
Public admini stration	81	2.1	8	8.1	6	4.2	49	9.9	144	3.1	27,658	4.2
Unkno wn	12	0.4	0	0	2	1.4	3	0.6	17	0.4	0	0
TOTA L	3,859	100	99	100	143	100	495	100	4,696	100	658,922	100

Source: Statistical Yearbook of the Republic of Slovenia, 1992, Ljubljana 1992

EMA = ethnically mixed area

MS = Murska Sobota

EP = elsewhere in Prekmurje

OS = elsewhere in Slovenia

In contrast to the national average, Hungarians in the ethnically mixed area are mostly employed in agriculture (41.3%). The national average stands at less than 2% or just over 7%. Industry, which with 44% still holds first place at the national level among the various employment areas and sectors of the economy, is less represented in Hungarian employment - with 25-35%. Particularly because of the high proportion of people working on the land (which matches the agrarian character of the border settlement area), the proportion of those employed in other sectors is somewhat lower than the national average.

Thus the Hungarians have some 3% employed in the building industry, similarly also in transport and communications, while the figures for the whole of Slovenia are around 5%. Trade, often the main trump card of border areas, is here still several percent lower than the national average, because the border was closed for so many years, whereas in the field of hotels and restaurants, trade and other services the ratio is more balanced. Similarly also in education - this is the result of the introduction of

bilingual schooling, which is in addition to its educational function also an important factor in employment. Also comparable is the level of employment in public administration, where it varies according to the area. In Murska Sobota for example it is almost twice the national average. Employment in health and social services is lower in comparison with the rest of the population, except for Hungarians living in cities. Significantly lower is also the percentage of those employed in financial, technical and business occupations, except for Hungarians living in cities. The census data refer to the situation soon after the opening up of the border and after the increase in international transit across it, therefore the flow of traffic and the range of services being offered in the area today are not yet reflected in the data provided. It is a fact though, that members of the minority are contributing their share in those occupations, also because of their bilingualism - which is becoming a tangible economic advantage of the minority population in the supply of employment and services.

Comparing employment by occupational sectors, the differences between the urban and (mainly) rural Hungarian population become apparent. In the nineties, there is a balance on the national level between the number of people employed in the manufacturing industry (secondary sector) and those in the service industry (tertiary sector), although there is a rapid development in favour of the tertiary sector on account of the technicalisation of production processes and the decreasing number of people who work on the land full-time. In the Hungarian population the primary and secondary sector are represented with a third each, and the tertiary sector approaches a quarter. In the cities the situation is different, there the Hungarians are already clearly tertiarised.

The Hungarian ethnic community displays all the characteristics of the environment in which it lives. Since it dwells in a traditionally agrarian and underdeveloped border region, in its social structure a fairly high percentage of rural population (for Slovenian conditions) clearly stands out. These are occupations which are less profitable than industry and especially various service occupations, therefore it is understandable that the greater part of the minority is classed as workers and peasants. In the last decades, however, there has also developed a class (though numerically weak) of tradespeople, businessmen, administrative, educational and health workers. In the search of new employment opportunities, new settlement nuclei have been created, but with the social structural characteristics of an urban population.

As the table below points out, a significant proportion of Hungarians is temporarily working abroad; this is above the Slovenian average (2-3% of the population that is able to work) but in tune with the average for Prekmurje, which is still today the Slovene region with the most emigration. The unemployment rate among the Hungarians is now even slightly lower than the Slovenian average, but that also is on account of the high proportion of aged people. The proportion of pensioners and those unable to work is namely above the national average.

**Table No. 14:** Basic population groups among the Hungarians

	EMA	Murska Sobota	Prekmurje	other	total
working abroad	456	5	23	19	503
employed	3,448	89	123	434	4,094
unemployed	439	5	23	43	564
housewives	374	5	10	74	409



children, students	298	22	17	97	1,334
unable to work	178	1	6	5	190
pensioners	1,083	30	34	216	1,363
other	38	0	3	5	46
total	7,241	157	239	866	8,503

EMA = ethnically mixed area

Source: Statistical Yearbook of the Republic of Slovenia, 1992, Ljubljana 1992

### **3.2. Independent economic institutions of the minority**

The financial situation and social structure of members of the Hungarian minority have not differed significantly from the average situation in the region (Prekmurje). However, since the regional development was somewhat specific, that was also reflected in the minority. Because state-owned production facilities prevailed, no class of well-to-do owners of enterprises, factories, hotels, etc. was formed, but only tradesmen and owners of restaurants and cafés, and later shop owners and various entrepreneurs. A distinct group are returning migrant workers, who invested in housing and other real estate, but also in trade, craft and enterprise. The economic foundation of the minority was (as also with the majority population) based on common property, on employment and, permanent and other income. Because of the characteristics of the settlement area, the ethnic community did not improve its economic prosperity, even after cross-border transit was freed up and privatisation began. Today it has no economic - entrepreneurial institutions of importance, however, the private sector (small business, trade and craft) is on the rise.

### **3.3. Economic and social imbalances of the minority**

Strong roots in agriculture and the resulting way of life and income distribution are even today important elements of the socioeconomic structure of the minority, which thus remains markedly rural and agrarian. In the place of industry and farming (both are gradually decreasing), the service occupations are growing. Because of the age of the population, the group of pensioners and those needing support who have guaranteed constant but not very high income, is growing. In this way, the segment of the population which is capable of some economic accumulation and therefore a more independent status, is narrowing, and with it also the room for manoeuvre for the minority to assert its economy internationally.

## **Anex II:**

### **GOVERNMENT OF THE REPUBLIC OF SLOVENIA GOVERNMENT OFFICE FOR NATIONALITIES**

Number, 018-06/97  
Ljubljana, 19 April 1999

#### **LIST OF THE MOST IMPORTANT REGULATIONS ON SPECIAL RIGHTS OF THE ITALIAN AND HUNGARIAN NATIONAL COMMUNITIES IN THE REPUBLIC OF SLOVENIA**

The material comprises the extracts from the Constitution and the most important statutory regulations concerning special rights of the Italian and Hungarian ethnic communities in the Republic of Slovenia. The material is divided into eight parts according to their topics, which provides better clarity and shows how the constitutional norms relating to special rights of ethnic communities are implemented in individual fields. For reasons of clarity, only the most important regulations are listed in every part, since there are over 30 laws and executive regulations relating to ethnic communities. We did not include those statutory norms which do not specifically mention ethnic communities but are nevertheless important for the functioning of their organisations, or define the position of the ethnic communities in the Slovene society.

The provisions of the statutes of municipalities in the ethnically mixed areas are very much alike and only differ in details. Only the statutes of the municipality of Piran and the municipality of Lendava are, therefore, given as examples.

#### **I. BASIC PROVISIONS**

Basic Constitutional Charter on the Independence and Sovereignty of the Republic of Slovenia (Official Gazette RS, no. 1-4/91)

#### **III.**

In accordance with the Constitution of the Republic of Slovenia and with international agreements binding upon it from time to time, the Republic of Slovenia guarantees the protection of the human rights and fundamental freedoms of all persons within the territory of the Republic of Slovenia, irrespective of nationality and without any discrimination whatsoever.

Italian and Hungarian ethnic communities and persons thereof living in the Republic of Slovenia are guaranteed all rights under the Constitution of the Republic of Slovenia and all rights recognized by international agreements binding on the Republic from time to time.

The Constitution of the Republic of Slovenia (Official Gazette RS, no. 33/91)

Article 3

**Slovenia is a state of all its citizens and is based on the permanent and inalienable right of the Slovene people to self-determination.**

In Slovenia, supreme power is vested in the people. Citizens exercise that power directly, and most notably, at elections, and consistently with the principle of the separation of legislative, executive and judicial powers.

Article 5

Within its own territory, Slovenia shall protect human rights and fundamental freedoms. It shall uphold and guarantee the right of the autochthonous Italian and Hungarian ethnic communities. It shall attend to the welfare of the autochthonous Slovene minorities in neighbouring countries and of Slovene emigrants and migrant workers abroad and shall promote their contacts with their homeland. It shall assist the preservation of the natural and cultural heritage of Slovenia in harmony with the creation of opportunities for the development of civilized society and cultural life in Slovenia.

Slovenes not holding Slovene citizenship shall enjoy special rights and privileges in Slovenia. The nature and extent of those rights and privileges shall be determined by statute.

Article 11

The official language of Slovenia shall be Slovene. In those areas where Italian or Hungarian ethnic communities reside, the official language shall also be Italian or Hungarian.

Article 14

(Equality before the Law)

In Slovenia each individual shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other beliefs, financial status, birth, education, social status or whatever other personal circumstance.

All persons shall be equal before the law.

Article 61

(Profession of National Allegiance)

**Each person shall be entitled to freely identify with his national grouping or ethnic community, to foster and give expression to his culture and to use his own language and script.**

Article 62  
(The Right to the Use of Language and Script)

**In order to give effect to his rights and obligations, and in all dealings with State bodies and other bodies having official functions, each person shall have the right to use his own language and script in such a manner as shall be determined by statute.**

Article 64  
(Special Right of the Autochthonous Italian and Hungarian Ethnic Communities in Slovenia)

**The autochthonous Italian and Hungarian ethnic communities and their members shall be guaranteed the right to freely use their national symbols and, in order to preserve their national identity, the right to establish organizations, to foster economic, cultural, scientific and research activities, as well as activities associated with the mass media and publishing. These two ethnic communities and their members shall have, consistent with statute, the right to education and schooling in their own languages, as well as the right to plan and develop their own curriculae. The State shall determine by statute those geographical areas in which bilingual education shall be compulsory. The Italian and Hungarian ethnic communities and their members shall enjoy the right to foster contacts with the wider Italian and Hungarian communities living outside Slovenia, and with Italy and Hungary respectively. Slovenia shall give financial support and encouragement to the implementation of these rights.**

In those areas where the Italian and Hungarian ethnic communities live, their members shall be entitled to establish autonomous organizations in order to give effect to their rights. At the request of the Italian and Hungarian ethnic communities, the State may authorize their respective autonomous organizations to carry out specific functions which are presently within the jurisdiction of the State, and the State shall ensure the provision of the means for those functions to be effected.

The Italian and Hungarian ethnic communities shall be directly represented at the local level and shall also be represented in the National Assembly.

The status of the Italian and the Hungarian ethnic communities and the manner in which their rights may be exercised in those areas where the two ethnic communities live, shall be determined by statute. In addition, the obligations of the local self-governing communities which represent the two ethnic communities to promote the exercise of their rights, together with the rights of the members of the two ethnic communities living outside their autochthonous areas, shall be determined by statute. The rights of both ethnic communities and of their members shall be guaranteed without regard for the numerical strength of either community.

Statutes, regulations and other legislative enactments which exclusively affect the exercise of specific rights enjoyed by the Italian or Hungarian ethnic communities under this Constitution, or affecting the status of these communities, may not be enacted without the consent of the representatives of the ethnic community or communities affected.

**Extract from the Statute of the Municipality of Lendava (Official Gazette RS, no. 26/99)**

Article 5

The municipality guarantees equality and constitutional rights to all members of the autochthonous Hungarian national community living in the ethnically mixed area of the municipality.

II. AREAS INHABITED BY THE ITALIAN OR HUNGARIAN ETHNIC COMMUNITIES

The ethnically mixed areas are determined by the statutes of municipalities.

Law on the Formation of Municipalities and on the Determination of Their Territories (Official Gazette RS, no. 60/94 and 56/98)

Article 5

According to this Law, the ethnically mixed areas are the areas which are as such defined by the present statutes of the municipalities of Dobrovnik, Hodoš, Lendava, Moravske Toplice, Koper, Izola, Piran, and Šalovci.

**Extract from the Statute of the Municipality of Lendava (Official Gazette RS, no. 26/99)**

Article 1

The Municipality of Lendava is a self-governing local community, established by law on the territory of the following settlements: Banuta-Bánuta, Benica, Čentiba-Csente, Dolga vas-Hosszúfalu, Dolgovaške gorice-Hosszúfaluhegy, Dolina pri Lendavi-Völgyfalu, Dolnji Lakoš–Alsólakos, Gaberje-Gyertyános, Genterovci-Göntérhaza, Gornji Lakoš-Felsőlakos, Hotiza, Kamovci-Kámaháza, Kapca-Kapca, Kot-Kót, Lendava-Lendva, Lendavske gorice-Lendvahegy, Mostje-Hidvég, Petišovci-Petesháza, Pince-Pince, Pince marof-Pince major, Radmožanci-Radamos, Trimlini-

Hármasmalom, part of Brezovec. The ethnically mixed area of the municipality where members of the Hungarian national community also live comprises the above-named settlements, except for the settlements Benica, Hotiza and part of Brezovec.

**Extract from the Statute of the Municipality of Šalovci (Official Gazette RS, no. 13/99)**

Article 2

The part of the Municipality where members of the Hungarian national community live is ethnically mixed. The ethnically mixed area comprises the settlement Domanjševci-Domonskofa.

**Extract from the Statute of the Municipality of Moravske Toplice (Official Gazette RS, no. 11/99)**

Article 1, Paragraph 2

Members of the Hungarian national community live in the settlements Čikečka vas-Csekefa, Motvarjevci-Szentlászló, Pordašinci-Kisfalu, Prosenjakovci-Pártosfalva and Središče-Szerdahely.

**Extract from the Statute of the Municipality of Piran (newspaper Primorske novice Official Bulletin, no. 8/95)**

Article 11

The municipality guarantees and protects rights of the Italian national community and its members in the ethnically mixed area in accordance with the Constitution and the law.

Article 69

In the ethnically mixed area of the municipality where members of the Italian community live and which comprises the territory of the settlements Piran, Portorož, Lucija, Seča, Sečovlje, Parecag and Dragonja (bilingual area), the Italian language has equal rights with Slovene in public life.

**Extract from the Statute of the Municipality of Koper**

Article 7

On the ethnically mixed area of the municipality where members of the Italian national community live and which comprises the settlements Ankaran-Ancarano, Barizoni-Barizoni, Bertoki-Bertocchi, Bošamarin-Bosamerino, Cerej-Cerei, Hrvatini-Crevatini, Kampil-Campil, Kolomban-Colombano, Koper-Capodistria, Prade-Prade, Premančan-Premanzano, part of the settlement Spodnje Škofije (Valmarin)-Spodnje

Škofije (Valmarin), Šalara-Salara and Škocjan-San Canziano – the official languages are Slovene and Italian.

### **Extract from the Statute of the Municipality of Izola**

#### Article 2

The ethnically mixed area of the municipality comprises the town Izola and the settlements Dobrava pri Izoli, Jagodje, Livade and Polje pri Izoli. In this area the Italian language has equal rights with Slovene in public and social life. All public and other signs in this area must be written in both languages, taking into consideration the correct use of both languages.

### **III. USE OF THE LANGUAGE AND NATIONAL SYMBOLS**

#### **Constitution of the Republic of Slovenia (Official Gazette RS, no. 33/91)**

##### Article 11

The official language of Slovenia shall be Slovene. In those areas where Italian or Hungarian ethnic communities reside, the official language shall also be Italian or Hungarian.

##### Article 61

###### (Profession of National Allegiance)

Each person shall be entitled to freely identify with his national grouping or ethnic community, to foster and give expression to his culture and to use his own language and script.

##### Article 62

###### (The Right to the Use of Language and Script)

In order to give effect to his rights and obligations, and in all dealings with State bodies and other bodies having official functions, each person shall have the right to use his own language and script in such a manner as shall be determined by statute.



Public Administration Act (Official Gazette RS, no. 67/94)

Article 4

The official language in administration shall be Slovene.

In municipal areas with original Italian and Hungarian ethnic communities the second official language shall be Italian and Hungarian, respectively. In these areas the administration shall carry out operations, conduct proceedings and issue legal and other acts in Slovene or in the language of the ethnic community, if the party residing in such an area should speak Italian or Hungarian, as the case may be.

Where in the initial stage the administrative body has conducted proceedings in Italian or Hungarian, as the case may be, any second stage decision shall be issued in the same language.

A person who has not mastered the official language shall be familiarised with the material and its operations by the administrative body concerned, and provided with an interpreter in order to follow the proceedings.

Law on Workers in State Bodies (Official Gazette RS, no. 15/90)

Article 4, Paragraph 2

For higher level administrative bodies and administrative workers as well as for those professional technical workers who perform direct work with clients, and active knowledge of the Slovene language shall be a condition for taking up employment; in areas in which the equality of the Italian and Hungarian language is determined, the also the languages of these nationalities. Office-technical and unskilled work may be performed by workers who have reached the age of 15.

**Ordinance on quotients for the basic remuneration of officials appointed by the Government of the Republic of Slovenia, and other employees in Slovene government services, administrative bodies and administrative units (Official Gazette RS, no. 82/94)**

Article 1

This Ordinance determines in accordance with the Law on the Rations of Remuneration in the Public Institutes, National Bodies, and Other Employees in Slovene Government Services and in the Bodies of Local Communities (hereinafter referred to as the Law) the quotients for the basic remuneration of officials appointed by the Government of the Republic of Slovenia, and other employees in Slovene government services, administrative bodies and administrative units.

## Article 10

On the territory of local communities where the Italian and Hungarian ethnic communities reside, for positions for which the Act on internal organisation and systematisation of positions prescribes knowledge of the language of the national community, the basic salary shall be increased by:

- 6% for active knowledge of the language of the national community
- 3% for passive knowledge of the language of the national community

## **Law on the Register of Births, Deaths and Marriages (Official Gazette RS, no. 2/87)**

### Article 30, Paragraph 2

In areas where members of the Italian or Hungarian national minority reside, registrars shall be obliged to issue extracts and certificates from registers also in the Italian or Hungarian language.

## **Law on Personal Names (Official Gazette RS, no. 2/87)**

### Article 3

The personal name of a member of the Italian or Hungarian national minority shall be entered in the Italian or Hungarian script and form, except if the member of the minority determines differently.

## **Law on Personal Identity Cards (Official Gazette RS, no. 75/97)**

### Article 6

The forms for personal identity cards shall be printed in Slovene and English, and also in Italian or Hungarian in the areas determined by statute in which people of Italian or Hungarian ethnicity respectively live together indigenously with people of Slovene ethnicity.

**Law on Passports for Citizens of the Republic of Slovenia (Official Gazette RS, no. 1/91)**

Article 16

Passports and visas shall be printed in Slovene, English and French; in areas defined by law where members of the autochthonous Italian or Hungarian community live alongside members of the Slovene nation, in Italian or Hungarian instead of French.

**Law on the Naming and Registering of Settlements, Streets and Buildings (Official Gazette RS, no. 5/80)**

Article 8

The Municipal Assembly shall decide on the naming, renaming, merging, dividing and abolition of settlements and streets and on the definition of the area of a settlement.

In areas inhabited by members of the Slovene nation and members of the Hungarian or Italian ethnic minorities, the Self-governing Interests Community for Education and Culture of the minority in question shall participate in the decisionmaking process mentioned in the preceding paragraph.

**Regulations on Determining the Names of Settlements and Streets and the Marking of Settlements, Streets and Buildings (Official Gazette RS, no. 11/80)**

Article 25

In areas where members of the Italian or Hungarian ethnic minorities live alongside members of the Slovene nation, the names of settlements and streets on signs shall be written in both languages. The Slovene name shall be above, that in the minority language below. Both inscriptions shall be the same size.

**Law on Courts (Official Gazette RS, no. 19/94)**

Article 5

Business of the court shall be conducted in the Slovene language.

In the territories in which the autochthonous Italian and Hungarian ethnic communities live, the business of the court shall also be conducted in the Italian or the Hungarian language if a party who lives in that territory uses the Italian or the Hungarian language.

If a court of higher instance judges appeals in matters tried by a courts of lower instance in the Italian or the Hungarian language, the judgement issues by the court of higher instance shall be issued in translation in the Italian or the Hungarian language.

If matters referred to in the preceding paragraph are decided by trail in a court of higher instance, the provisions of the second paragraph of this Article shall apply.

Expenses connected with the use in court of the Italian or the Hungarian language shall be borne by the Republic of Slovenia.

#### Article 45

Candidates for lay judges at regional courts may be proposed by representative bodies of municipalities in the territory of the court to which the lay judges are to be appointed, and by interest groups registered and active in that region as societies or associations, excepting political parties which may not directly propose candidates.

The president of the high court shall from among the proposed candidates appoint lay judges to individual courts in proportion to the size of the population in the municipality which proposed the candidates, or in proportion to the size of membership of the interest groups.

In the areas where the autochthonous Italian or Hungarian ethnic communities live, the president of the high court shall appoint the required number of lay judges who have an active command of the Italian or Hungarian language.

#### Notary Act (Official Gazette RS, no. 13/94, 48/94)

#### Article 13

The notary shall draw up notarial documents in the Slovene language.

On the territory of the communities where the Italian and the Hungarian languages are spoken officially, the notary shall draw up notarial documents in those languages as well.

At the request of a party, the notary may draw up a document in a foreign language only if qualified to act as a court interpreter and when the document concerned is to be used in a foreign country.

If the parties or other persons involved in the composition of the document under the preceding paragraph do not understand the language in which the document is drawn up, the document shall contain a clause holding that the entire document has been translated to such persons. The document shall be translated by the notary or, at the request of a party, by a court interpreter.

#### Law on the Office of the State Prosecutor (Official Gazette RS, no. 63/94)

#### Article 6

A state prosecutor's office shall conduct its work in the Slovene language.

In areas indigenously populated by the Italian or the Hungarian ethnic community, the state prosecutor's office shall also conduct its work in the Italian or the Hungarian language respectively, if proceedings before a court or before another state body are conducted in the respective language or if a party living in such area uses that language in dealings with the state prosecutor's office.

#### Court Rules (Official Gazette RS, no. 17/95)

Chapter 5 "Operation of the Courts in areas where the autochthonous Italian and Hungarian ethnic communities reside".

##### Article 60

In the areas inhabited by the autochthonous Italian or Hungarian ethnic communities in which the equality of the Italian or Hungarian languages is provided by the Constitution and the law, the Courts must guarantee the equality of the Italian or Hungarian languages in the proceedings in accordance with the law if the party living in this area uses either the Italian or Hungarian language.

##### Article 61

If only one party appears or if both parties in the proceedings use the same language, the court proceedings shall be conducted in the language of the parties.

If, however, one of the parties in the proceedings uses the Slovene language and the other the Hungarian or Italian language, the proceedings shall be conducted in the Slovene and the Hungarian or Italian language (hereinafter referred to as the bilingual proceedings).

The court also acts in this way if the application instituting the proceedings is written in the Slovene language, and the party declares prior to the initiation of the proceedings that he/she uses the Hungarian or Italian language.

If the court, after the application by which a party institutes the proceedings or after the declaration made by a party, establishes that the proceeding has to be conducted in the Hungarian or Italian language or as a bilingual proceedings, this shall be marked in the appropriate register and on the folder of the court record ("IT" or "H").

If, according to the provisions of the law or the Court Rules, the proceedings should be conducted in the Hungarian and Italian languages. However, if the parties declare that the proceedings be conducted in the Slovene language, the proceedings shall be conducted in the Slovene language. Such declaration of a party must be verified in the register.

##### Article 62

If the proceedings are conducted in the Hungarian or Italian language only, or if the proceedings are bilingual, the discussions with the parties shall be held in their respective languages.

If an individual participant in the proceedings does not understand the language in which the proceedings are conducted, the interpretation of everything

he/she and the others say, and the translation of the documents and all other written evidence materials must be guaranteed.

#### Article 63

If the proceedings are conducted in the Hungarian or Italian language, the minutes shall be recorded in that language.

If an individual participant in the proceedings does not have a command of the Hungarian or Italian language, his/her testimony of statement shall be recorded in the minutes in the official language of the proceedings.

#### Article 64

The minutes in bilingual proceedings shall be recorded in the language used by the parties and other participants in the proceedings. Every allegation, testimony, statement, etc shall be translated immediately and recorded in the Slovene and Hungarian or Italian languages.

#### Article 65

Court decisions in the proceedings conducted in the Hungarian or Italian language and court decisions in the bilingual proceedings shall always be issued in the Slovene and Hungarian or Italian language.

Decisions in both languages shall be original and delivered to the parties in both languages.

#### Article 66

If an ordinary or extraordinary appeal is filed in proceedings conducted in the Hungarian or Italian language or in bilingual proceedings, the court of first instance shall provide the translation of the appeal and of the entire record into the Slovene language.

When deciding on ordinary or extraordinary appeals for which the court of first instance conducted the proceedings in the Hungarian or Italian language, the higher courts and the Supreme Court of the Republic of Slovenia shall also issue their decision in the translation into the Hungarian or Italian language.

#### Article 67

The costs arising from proceedings in the Hungarian or Italian language, i. e. from bilingual proceedings, shall be covered from the funds allocated for the operation of the court, and the costs may not be charged to the parties.

#### Article 68

The ministry competent for justice shall be responsible for the education of judges and court personnel for conducting bilingual proceedings.

Bilingual proceedings may only be conducted by a judge or professional worker who has passed a special examination in the Hungarian or Italian language before the examination board of the ministry competent for justice, or has a university

degree in the Hungarian or Italian language, or has been entered in the list of permanent court interpreters for one of the two languages.

At the courts at which there are no judges with active knowledge of the Hungarian or Italian language, bilingual proceedings are conducted with the assistance of a court interpreter.

The provisions of this Article shall also apply to court personnel participating in bilingual proceedings.

#### Article 69

The bonus for the qualification of judges and court personnel for conducting bilingual proceedings shall be determined by the judicial council.

### **Law on the Use of the Coat-of-Arms, Flag and National Anthem of the Republic of Slovenia (Official Gazette RS, no. 67/94)**

#### Article 6

If, on official occasions, a coat-of-arms or a flag are set, displayed or flown together with the Slovene national flag or with the flags of the Italian or Hungarian ethnic communities, or with the flags of local communities, with military flags or together with foreign flags of other signs, they must be set on a place of honour, unless otherwise stipulated by this Law.

#### Article 13

The flag shall be displayed:

1. On the following holidays of the Republic of Slovenia:
  - On 8 February, Prešeren Day, Slovene Cultural Holiday;
  - On 27 April, Day of Uprising against the Occupation;
  - On 1 and 2 May, Labour Day;
  - On 25 June, National Day;
  - On 26 December, Independence Day.

In these cases, the flag shall be hung out on the buildings in which the official premises of national authorities and bodies of local communities are situated, and on other public buildings, houses and other appropriate places; the flag shall be displayed throughout the holidays.

2. Upon the official departure of the President of the Republic, President of the National Assembly or the President of the National Council when he/she leaves the Republic of Slovenia on a visit to a foreign country, and at his/her reception upon his/her return to the Republic of Slovenia.
3. Upon the official arrival by a Head of a foreign country or an authorised representative on an international organisation in the Republic of Slovenia and upon his/her departure from the Republic of Slovenia.
4. Upon mourning declared by the Government of the Republic of Slovenia; on such occasions the flag shall be hung out at half-mast.
5. On other occasions under conditions and in a manner stipulated by the law.

On the occasions from Items 1, 4 and 5 of the previous Paragraph, the Slovene national flag may also be displayed in addition to the flag; in the areas inhabited by the Hungarian or Italian ethnic communities, the flag of the national community shall be displayed as well.

#### Article 14

The flag may be displayed:

1. Upon international meetings, sport, cultural and other competitions, humanitarian, military and other events and upon public gatherings at which the Republic of Slovenia presents itself or in which the Republic of Slovenia participates, in accordance with the rules and customs of such gatherings;
2. Upon holidays of local communities;
3. At public manifestations important for the Republic of Slovenia and determined by the Government of the Republic of Slovenia;
4. On other occasions, unless the display of the flag is contrary to this Law.

The flag may be displayed to mark buildings in which the seats of the ministries or other national bodies and bodies of local communities are situated.

On the occasions from Items 2, 3 and 4 of the previous Paragraph, the Slovene national flag may also be displayed in addition to the flag; in the areas inhabited by the Hungarian or Italian ethnic communities, the flag of the national community shall be displayed as well.

#### Article 21

The national anthem shall be performed:

1. Upon an official departure by the President of the Republic when he/she leaves the Republic of Slovenia on a visit to a foreign country and at the reception on his/her return to the Republic of Slovenia;
2. Upon an official arrival by a head of a foreign county or an authorized representative of an international organisation to the Republic of Slovenia and on their departure from the Republic of Slovenia;
3. Upon the laying of wreaths by official representatives of the Republic of Slovenia or representatives of foreign countries or the international organisations at memorials, cemeteries and other similar places;

In the areas inhabited by the Italian or Hungarian ethnic communities, the anthems of the ethnic communities may also be performed upon ceremonial events of these communities.

#### **Extract from the Statute of the Municipality of Lendava (Official Gazette RS, no.26/99)**

#### Article 7, Paragraph 2

The municipality and its bodies shall use a seal in the round form. In the centre of the seal is the municipal coat of arms, and on the outer rim the name of the municipality in the Slovene and Hungarian languages.



## Article 15, Paragraph 2

The municipal council shall consist of 22 members, two of whom shall be members of the Hungarian national community. The members of the municipal community shall be elected for 4 years.

## Article 25

The municipal council shall have a commission for nationality issues.

The commission for nationality issues shall consist of six members. Three members shall be appointed by the municipal council from amongst its members, and the remaining members shall be appointed by the municipal council of the Hungarian national community of the municipality of Lendava.

The commission for nationality issues shall in particular:

- Deal with all the issues relating to the situation and rights of the Hungarian national community;
- Propose measures aimed at the exercise of the rights of the Hungarian national community.

## V. Special rights of the Hungarian national community and its members in the ethnically mixed area of the municipality

## Article 69

The municipality shall protect the national identity, guarantee the equality, and implement special rights of the Hungarian national community and its members. It shall also take care of the comprehensive development of the national community.

The official languages in the ethnically mixed area of the community shall be Slovene and Hungarian. Both languages shall have equal status. Citizens of Hungarian nationality shall be guaranteed the use of their mother tongue in the official and social life.

## Article 70

The municipal bodies and all public agencies in the ethnically mixed area of the municipality shall operate in the Slovene and Hungarian languages. In their work they must respect the official names and surnames of members of the Hungarian national community.

The municipal bodies, national bodies, public enterprises and institutions in the ethnically mixed area shall use bilingual signs, seals, stamps, printed matters and other forms, in accordance with the law.

Marriages in the ethnically mixed area shall be contracted in the Slovene or Hungarian language, or in both languages if the couple to be married so wish.

## Article 71

In the ethnically mixed area, signboards designating settlements, streets, announcements, notices and warnings and other public signs shall be bilingual. All municipal and state bodies, enterprises, economic organisations, private businesses, public institutions, associations and other organisations and communities in the

ethnically mixed area must have bilingual signboards. The bilingual signs must ensure the equal appearance of both languages.

#### Article 72

The assemblies of citizens, public events/manifestations, gatherings and all other events in the ethnically mixed area shall be performed in the Slovene and Hungarian languages.

#### Article 73

The statute and other acts of the municipality shall be translated into the Hungarian language and published in the Slovene and Hungarian languages.

Members of the Hungarian community shall have the right to use their mother tongue at their work in the municipal community and its bodies.

#### Article 74

The municipality shall take particular care of the development and operation of bilingual kindergartens and schools.

The municipality and the municipal council of the self-governing national community shall support and encourage cultural activities of the Hungarian national community, press, RTV and publishing, education of personnel required for the needs of the Hungarian national community. They shall support the contacts of the Hungarian national community with its nation of origin and with the boroughs in the border region of the Republic of Hungary.

#### Article 75

The municipal council and other local communities shall provide the self-governing local community with necessary premises and other means for their activity.

The municipality regulates, within its competence, the issues relating to the exercise of rights and the financing of the national community with special acts. The council of the national community gives its consent to these provisions through the representatives of the national community in the municipal council.

#### Article 76

The municipal council, committee or other body must deal with initiatives of the council of the municipal Hungarian self-governing local community concerning issues relating to the situation of the national community and to the preservation of the characteristics of ethnically mixed areas. The municipal council shall inform the municipal Hungarian self-governing national community about its decisions in writing.

The bodies of the municipality and the bodies of the municipal national community shall be obliged to provide each other with minutes of their sessions in order to ensure information about each other's activities.

Prior to deciding on matters concerning the exercise of special rights of members of the Hungarian national community, the bodies of the municipality must

obtain the consent of the self-governing national community. Prior to deciding on the matters concerning the situation and preservation of the characteristics of ethnically mixed areas, they must obtain the opinion of the self-governing national community.

#### Article 77

Within the competence of the municipal council under Article 76, Paragraph 3, the municipal council of the Hungarian national community shall give its consent to the parts of the acts relating to the national community through members of the municipal council – representatives of the Hungarian national community. The consent shall be required for the following matters:

- the statute and the amendments to the statute of the municipality;
- the symbols of the municipality;
- the naming of settlements, streets and squares in ethnically mixed areas in the municipality;
- the setting up of bilingual public signboards and signs;
- other matters regulating special rights of the Hungarian national community.

#### Article 78

The council of the municipal self-governing national community shall give its preliminary opinion to:

- development plans of the municipality,
- development guidelines in the areas of culture, education, and provision of information,
- other matters relating to the exercise of the special rights of the Hungarian national community.

Extract from the Statute of the Municipality of Piran (newspaper Primorske novice, Official Bulletin, no. 8/95)

#### Article 7

The municipality shall have a round seal with the municipal coat-of-arms in the centre, and the following sign on the outer rim: Občina Piran-Comune di Pirano (Municipality of Piran).

The seal used by the municipal council shall, in addition to the name of the municipality, bear the sign Občinski svet-Consiglio comunale (Municipal Council).

The seal used by the Mayor shall, in addition to the name of the municipality, bear the sign Župan-Il sindaco (Mayor).

The seal used by the Municipal Administration shall, in addition to the name of the municipality, bear the sign: Občinska uprava-Amministrazione comunale (Municipal Administration).

#### Article 26

The Municipal Committee shall have at least 5 members. At least three of the committee members shall also be members of the municipal council. At least one

committee member shall be of Italian nationality. The manner of election of committee members shall be regulated by the rules of procedure of the municipal council.

A member of the municipal committee may not be a mayor, deputy mayor, or member of the Supervising Committee.

#### Article 34

Permanent municipal commissions shall be:

- Commission for mandate issues, elections and appointments;
- Commission for the issues of the Italian national community;
- Statutory-legal commission.

#### Article 36

The Commission for the issues of the Italian national community shall deal with and examine issues concerning the situation of the Italian national community and the exercise of rights defined by the Constitution, law, statute, and other regulations.

The Commission shall also deal with draft ordinances and other decisions of the competent municipal bodies which regulate the rights of the Italian national community, and shall give its opinion about them to the proposer and to the municipal council.

Upon the initiative by the bodies of the Italian national community, bodies of the municipality, other bodies, or members of the Italian national community, the Commission shall examine violations of special rights of the Italian national community, inform the municipal council about its positions, and propose solutions.

The Commission shall consist of 6 (six) members, including three members of the Italian national community.

The Commission shall have a Chairperson and a Deputy, appointed from amongst the members at the first session.

The Commission shall be appointed and dissolved by the municipal council.

#### Article 65

The Italian national community in the territory of the municipality shall be guaranteed the right to use its language freely, to express and develop its national identity and to establish organisations to this end, to develop activities in the fields of economy, culture, science and research, provision of information, etc., to use its national symbols, maintain contacts with its nation of origin and its country, and to exercise other rights defined by the Constitution, law and this Statute.

#### Article 66

The activities of the Italian national community shall be financed by the state and municipality in accordance with the Constitution and the law.

#### Article 67

The consent by the representatives of the Italian national community in the municipal council shall be required for any decisions of the municipal council relating to the situation of the Italian national community and its members. Prior to their decision on the consent, these representatives must obtain the consent of the council of the self-governing national community.

Particularly the decisions in the following fields relate to the situation of the Italian national community and its members:

- the exercise of the rights of the national community;
- the development of education in the Italian language, exercise of co-founder's rights in accordance with the law and the founding act;
- the naming of settlements, streets and squares.

#### Article 68

The municipal self-governing national community may give initiatives, opinions and proposals to the municipal bodies which relate to the issues important for the situation of the national community and for the preservation of the characteristics of ethnically mixed areas. Municipal bodies shall be obliged to examine these initiatives, opinions, and proposals and to make decisions about them.

#### Article 70

Citizens of Italian nationality in the ethnically mixed area shall be guaranteed the pre-school and primary school education in their mother tongue.

#### Article 71

The official languages in the ethnically mixed area of the municipality of Piran shall be Slovene and Italian.

Judicial proceedings and administrative and violations procedures shall be conducted in the Italian language, if so required by a party who is a member of the Italian national community.

The body conducting the procedures must apprise members of the Italian national community of their rights concerning the use of language.

#### Article 72

The bodies of the municipality and the public powers holders in the territory of the municipality communicate with members of the Italian national community in the Italian language.

The serving of a letter to a member of the Italian national community shall be deemed to be duly performed when the letter is properly served in the Italian language.

Announcements on the noticeboards of the municipal bodies and public powers holders must be bilingual.

Forms and official documents intended for citizens must be bilingual.

### Article 73

Individual acts in the procedures in which at least one member of Italian nationality is involved shall also be published in the Italian language. Acts published in the Italian language shall be deemed to be original.

### Article 74

If the spouses are members of the Italian national community, the marriage shall be contracted in the Italian language. If one of the spouses is a member of the Italian national community, the marriage shall be contracted in the Italian and Slovene languages, unless the spouses agree on one language.

### Article 75

The posts for which the knowledge of the Slovene and Italian languages is necessary must be foreseen and occupied in the municipal bodies, public enterprises and institutes, and at the public powers holders.

### Article 76

The bodies of the municipality, local communities and public enterprises and institutes, and the public powers holders must reply in the Italian language to any applications or petitions addressed to them in the Italian language by citizens living in a bilingual area.

### Article 77

Public signs in an ethnically mixed area shall be bilingual.

### Article 78

The appropriate bilingual announcement, sufficient participation of members of the Italian national community, and performances in the Italian language must be ensured at official public events.

### Article 79

Everyone has the duty to respect the original personal name of a member of the Italian national community, and must not change its spelling.

#### **IV. ORGANISATION OF NATIONALITIES AND PARTICIPATION IN NATIONAL AUTHORITIES**

The Constitution of the Republic of Slovenia (Official Gazette RS, no. 33/91)

##### Article 64

(Special Rights of the Autochthonous Italian and Hungarian Ethnic Communities in Slovenia)

In those areas where the Italian and Hungarian ethnic communities live, their members shall be entitled to establish autonomous organizations in order to give effect to their rights. At the request of the Italian and Hungarian ethnic communities, the State may authorize their respective autonomous organizations to carry out specific functions which are presently within the jurisdiction of the State, and the State shall ensure the provision of the means for those functions to be effected.

The Italian and Hungarian ethnic communities shall be directly represented at the local level and shall also be represented in the National Assembly.

The status of the Italian and the Hungarian ethnic communities and the manner in which their rights may be exercised in those areas where the two ethnic communities live, shall be determined by statute. In addition, the obligations of the local self-governing communities which represent the two ethnic communities to promote the exercise of their rights, together with the rights of the members of the two ethnic communities living outside their autochthonous areas, shall be determined by statute. The rights of both ethnic communities and of their members shall be guaranteed without regard for the numerical strength of either community.

Statutes, regulations and other legislative enactments which exclusively affect the exercise of specific rights enjoyed by the Italian or Hungarian ethnic communities under this Constitution, or affecting the status of these communities, may not be enacted without the consent of the representatives of the ethnic community or communities affected.

##### Article 80

(Composition and Election of the National Assembly)

The National Assembly shall consist of 90 Deputies, representing the citizens of Slovenia.

Deputies must be directly elected by secret ballot on the basis of a universal, adult franchise.

The Italian and Hungarian ethnic communities shall always be entitled to elect one Deputy each to the National Assembly.

The electoral system shall be regulated by statute, passed by the National Assembly by a two-thirds majority of all elected Deputies casting their votes in favour of the same.

## I. BASIC PROVISIONS

### Article 1

For the implementation of special rights, guaranteed by the Constitution of the Republic of Slovenia, for the promotion of their needs and interests, and for organized participation in public matters, members of Italian and Hungarian minorities establish, in regions of their autochthonous settlement, self-governing ethnic communities.

### Article 2

Self-governing ethnic communities are public legal persons.

## II. TASKS OF SELF-GOVERNING ETHNIC COMMUNITIES

### Article 3

Self-governing ethnic communities perform the following tasks:

- in accordance with the Constitution and law, they decide autonomously on all matters within their competence;
- in accordance with law, they give consent to matters concerning the protection of special rights of ethnic communities. The decisions are made together with bodies of self-governing local communities;
- they discuss and study matters concerning the status of ethnic communities, they adopt standpoints and they submit proposals and initiatives to competent bodies;
- they stimulate and organize activities, contributing to the preservation of ethnic identity of members of Italian and Hungarian ethnic community.

### Article 4

Self-governing ethnic communities implement the tasks from the above article by:

- inciting and organizing cultural, research, informative, publishing and economic activities essential for the development of ethnic communities;
- establishing organizations and public institutions;
- following and promoting the development of education and schooling of members of ethnic communities and, pursuant to law, participating in the planning and organizing of educational work and the preparing of educational programs;
- promoting contacts with their nation of origin, members of ethnic communities in other states and with international organizations;
- pursuant to law, performing tasks from the competence of the state;



- performing other tasks arising from the statute.

#### Article 5

Self-governing ethnic communities cooperate with members of ethnic communities, elected into bodies of self-governing local communities and National Council, with bodies of self-governing local communities and state bodies.

### III. ORGANIZATION

#### Article 6

Members of Italian and Hungarian ethnic communities, autochthonously settled in ethnically mixed territories, found municipal self-governing ethnic communities.

#### Article 7

The highest body of municipal self-governing ethnic community is the Council of the self-governing ethnic community, elected by the members of ethnic community in direct elections.

#### Article 8

The right to vote and be elected a member of the council of municipal self-governing ethnic community is reserved for members of ethnic community that have the right to vote and are registered in a special municipal register of voters of citizens – members of ethnic community.

Elections into the council of municipal self-governing ethnic community are as a rule performed simultaneously with elections into bodies of self-governing local communities. Thereby provisions of the Law on local elections are applied.

#### Article 9

Municipal self-governing ethnic communities integrate into Italian or Hungarian self-governing ethnic communities in the Republic of Slovenia, respectively.

The highest body of self-governing ethnic community is the council of self-governing ethnic community.

#### Article 10

The council of self-governing ethnic community performs the following tasks within its competence:

- adopts the statute and other regulations of self-governing ethnic community;
- adopts the financial plan and the final account,
- pursuant to the statute it elects working bodies and nominates officials of the self-governing ethnic communities,

- performs other tasks arising from the statute.

#### Article 11

The statute of self-governing ethnic community defines in detail the tasks and competences of self-governing ethnic community, its organization, mode of decision making, modes and forms of representing the self-governing ethnic community in the Republic of Slovenia and the procedure of elections into bodies of self-governing ethnic community.

The statute determines the manner and forms of cooperation of the self-governing ethnic community with organizations, associations and other forms of activities, established by members of ethnic community for the implementation of their special rights.

#### IV. RELATION BETWEEN THE SELF-GOVERNING ETHNIC COMMUNITIES AND BODIES OF LOCAL SELF-GOVERNING COMMUNITIES

##### Article 12

Self-governing ethnic communities submit to self-governing local communities proposals, initiatives and opinions on matters regarding the status of ethnic communities and the preservation of characteristics of ethnically mixed territories.

Bodies of self-governing local communities are obliged to deal with the initiatives from the above paragraph and take a stand towards them.

##### Article 13

Representatives of the ethnic community, elected into councils of self-governing local communities, shall acquire consent of self-governing ethnic communities prior to decisions on matters relating to special rights of members of ethnic communities.

##### Article 14

Self-governing ethnic communities shall be ensured necessary premises and other means necessary for activities by the self-governing local communities.

#### V. RELATIONS TO STATE BODIES

##### Article 15

Self-governing ethnic communities submit proposals, initiatives and opinions on all matters within their competence to the National Council, the government and other state bodies.

As to matters related to status of the members of ethnic communities, state bodies are obliged to acquire prior opinion of self-governing ethnic communities.

## VI. CONTACTS WITH NATION OF ORIGIN AND ETHNIC COMMUNITIES IN OTHER STATES

### Article 16

Self-governing ethnic communities cooperate with respective nations of origin and their states, with members of ethnic communities in other states and with international organizations.

### Article 17

Members of self-governing ethnic communities participate in preparations of interstate agreements relating to the status of ethnic communities and protection of their rights.

## VII. FINANCING

### Article 18

Financial means for the activity of municipal self-governing ethnic communities are provided by municipal budget, financial means for the activity of the Italian and Hungarian self-governing ethnic communities in the Republic of Slovenia are provided by the state budget.

Means for the activities of organizations and public institutions, fulfilling the needs of ethnic communities, and for the financing of activities arising from article 16, are provided from the means of self-governing local communities, from the budget of the Republic of Slovenia and other sources, pursuant to the law.

## VII. TRANSITIONAL AND FINAL PROVISIONS

### Article 19

Resolution on the issuing of the writs for the first election into council of municipal self-governing ethnic community and the resolution on the number of council members are adopted by the hitherto municipal self-governing communities of the Italian and Hungarian ethnic communities for the territory of the up to now municipalities.

### Article 20

Self-governing ethnic communities shall organize and adapt their activities to the provisions of this law within 6 months after the first elections into bodies of self-governing local communities.

### Article 21

This law shall come into force on the fifteenth day after the publication in the Official Gazette of the Republic of Slovenia.

Law on Elections to the National Assembly (Official Gazette RS, no. 44/92)

Article 2

Deputies shall be elected in constituencies.

Deputies shall be elected according to the principle that each deputy is elected by an approximately equal number of inhabitants, and according to the principle that different political interests shall be proportionally represented in the National Assembly.

The Italian and Hungarian ethnic communities shall have the right to elect one deputy each to the National Assembly.

Article 3

Except where specific provisions are made by this Law, the election of deputies of the Italian and Hungarian ethnic communities shall be regulated for these elections by the provisions of this Law applying to other deputies.

Article 8

Members of the Italian and Hungarian ethnic communities enjoying the right to vote shall have the right to vote and stand for election as a deputy of the Italian or Hungarian ethnic communities.

Article 17

If a deputy's term of office is terminated, he shall be replaced for the remainder of the term of office by the candidate from the same list of candidates who would have been elected if the replaced deputy had not been elected, unless he resigns within six months of the confirmation of the term of office.

If the term of office of a deputy of an ethnic community is terminated, he shall be replaced for the rest of the term of office by the candidate from the list of candidates who would have been elected if the replaced deputy had not been elected.

If the candidates from the first or second paragraph of this article fail to accept office within eight days, the right shall be transferred to the next candidate on the list.

Article 20

Eight constituencies shall be formed for the election of deputies to the national Assembly. Each constituency shall elect eleven deputies.

Constituencies shall be formed according to the principle that each deputy shall be elected by an approximately equal number of inhabitants.

In the forming of the constituencies and electoral districts, geographical, cultural and other features shall be taken into account.

Electoral districts may cover the area of a single community, two or three communities or part of a community.

Each constituency shall be divided into eleven electoral districts, each with an approximately equal number of voters. In each electoral district one candidate shall be elected.

Special constituencies shall be formed in the areas inhabited by the Italian and Hungarian minorities for the election of ethnic community deputies.

#### Article 23

Electoral commissions shall be:

- 1) republic electoral commission
- 2) constituency electoral commissions
- 3) district electoral commissions.

Electoral boards for special constituencies shall be formed for the election of deputies of the Italian and Hungarian ethnic communities.

#### Article 33

Constituency electoral commissions shall be appointed by the republic electoral commission.

A constituency electoral commission shall comprise a president and three members.

The president and deputy president of a constituency electoral commission shall be appointed from amongst judges.

One member and one deputy of a member of a constituency electoral commission shall be appointed from amongst legal experts. Two members and two deputies of members of a constituency electoral commission shall be appointed at the proposal of the deputy groups whereby proportional representation of political parties must be taken into account.

At least one member of a constituency electoral commission for the election of ethnic community deputies must be a member of a relevant ethnic community.

#### Article 37

The republic electoral commission shall:

- 1) assure the lawful conduct of the election and the uniform application of the provisions of this Law referring to the electoral procedure,
- 2) coordinate the work of constituency electoral commissions and district electoral commissions, provide them with expert advice on the application of this Law and supervise their work
- 3) regulate the printed forms for the application of this Law
- 4) regulate uniform standards for voting materials and other physical conditions of election proceedings,
- 5) declare the results of elections to the National Assembly
- 6) issue confirmations of election
- 7) perform other duties determined by this Law.

The republic electoral commission shall determine which official electoral documents must be sent to it by the constituency electoral commissions and district electoral commissions, and the due term and manner of sending.

The republic electoral commission may transfer authority, from its own jurisdiction, to a constituency electoral commission for the election of ethnic community deputies.

#### Article 39

A district electoral commission shall:

- 1) designate polling stations,
- 2) appoint polling boards,
- 3) determine results in electoral districts,
- 4) supervise direct technical work related to the election,
- 5) perform other duties determined by this Law.

The duties from the preceding paragraph shall be performed by a special constituency electoral commission for the election of deputies of the Italian or Hungarian ethnic communities.

#### Article 45

A candidate for deputy of the Italian or Hungarian ethnic community may be nominated by at least thirty voters who are members of the Italian or Hungarian ethnic community.

#### Article 74

A ballot paper for voting on candidates for deputy of the Italian or Hungarian ethnic communities shall comprise:

- the designation of the constituency,
- surnames and given names of candidates in the order from the register of candidates,
- instructions on how to vote.

A voter shall vote by indicating his preferential order of candidates in front of the names of the candidates, starting with the number 1.

#### Article 84

When voting is completed, the polling board shall immediately begin to determine the election results. First, unused ballot papers shall be counted; they shall be put in a special box, which is then sealed. Thereupon the polling board shall ascertain, using electoral register and certificates, the total number of voters. It shall open the ballot box, ascertain the number of delivered ballots, the number of invalid ballots, the number of votes given to each list and the number of votes given to each individual candidate.

For the election of deputies of the ethnic communities, the polling board shall ascertain the preferential order of the candidates.

#### Article 85

Records shall be kept on the determining of election results by the polling board. The records shall comprise: the number of voters enrolled on the electoral register, the number of voters who voted under the electoral register, the number of voters who voted with a certificate, the total number of voters who voted by ballot paper, the number of invalid ballot papers, the number of votes given to each list, and the number of votes given to individual candidates.

With regard to the second paragraph of the preceding article, the preferential order of candidates shall be written in the records.

Any special opinions and remarks by members of the polling board and the trustees of lists of candidates shall also be written in the records.

The records shall be signed by the president and members of the polling board.

#### Article 95

The electoral commission of the special constituencies for the election of deputies of the Italian and Hungarian ethnic communities shall ascertain the number of voters enrolled on the electoral register, the number of voters who voted, the number of voters who voted by post, the number of invalid ballot papers, and the preferential order of candidates.

The preferential order of candidates shall be given points. For each first position the candidate shall receive as many points as there were candidates on the ballot paper. For each successive position a point less. The points of each candidate shall be totalled.

#### Article 96

The candidate who receives the majority of votes in a constituency shall be elected as the deputy of the Italian or Hungarian ethnic community. If two or more candidates receive an equal number of votes, a draw shall decide on their election. The draw shall be performed by the special constituency electoral commission in the presence of the candidates or their representatives.

The election results from the preceding paragraph shall be determined by the special constituency electoral commission, which shall keep the records on that, and on its work. The records shall be signed by the presidents and members of the commission. The records and other electoral material shall be sent to the republic electoral commission by the special constituency electoral commission.

### Law on the Determination of Constituencies for Election of Deputies to the National Assembly (Official Gazette RS, no. 46/92)

#### Article 2

For the territory of the Republic of Slovenia eight constituencies shall be determined encompassing the territories of several neighbouring municipalities.

For the territories of municipalities where the Italian and Hungarian ethnic communities live, two special constituencies shall be determined in which one Italian or one Hungarian national community deputy shall be elected.

#### Article 4

For the election of deputies to the National Assembly the following constituencies and electoral districts and municipalities where the constituencies have their headquarters shall be designated:

/.../

9. Electoral district encompassing territories of the municipalities of Koper, Izola and Piran for the election of a deputy of the Italian national community (headquarters: Koper);

10. Electoral district encompassing territories of the municipalities of Murska Sobota and Lendava for the election of a deputy of the Hungarian national community (headquarters: Lendava).

### Law on the Records of Voting Rights (Official Gazette RS, no. 46/92)

#### Article 2

Voting rights of citizens shall be recorded in the general electoral register compiled for each election and each referendum on the basis of the permanent record of voting rights.

Voting rights of citizens who do not have permanent residence in the Republic of Slovenia shall be recorded by a separate electoral register.

Voting rights of citizens for the election of deputies of the Italian and Hungarian ethnic communities shall be recorded in the electoral register for citizens of Italian and Hungarian ethnic communities.

The electoral registers from the first and second paragraphs of this article shall be compiled by the administrative body competent for keeping the permanent record of voting rights (hereinafter: competent body). The electoral register from the preceding paragraph shall be compiled by the self-governing ethnic communities and verified by the competent body.

#### Article 18

The electoral register of citizens who are members of the Italian or Hungarian ethnic communities shall contain the following columns: a consecutive number, surname and given name, sex, date of birth, permanent residence and comments.

#### Article 19

The electoral register for citizens who are members of the Italian or Hungarian ethnic communities in the territories where these communities live shall be compiled by the commission of the relevant self-governing ethnic community.

A separate electoral register shall be compiled for each polling station.

#### Article 20

The commission from the preceding article shall have a president and two members.

The commission for the compiling of the electoral register must be founded and its president and members appointed no later than five days after the calling of the election.



## Article 21

The electoral register for citizens who are members of the Italian or Hungarian ethnic communities shall be verified by the president and members of the commission for compiling the electoral register with signatures and the seal of the relevant self-governing ethnic community.

The commission shall submit the electoral register no later than 15 days after the calling of election to the competent body for confirmation.

## Article 22

Citizens who are members of the Italian or Hungarian ethnic communities and do not have permanent residence in the territory where these minorities live shall be registered in the electoral register for citizens of the Italian or Hungarian ethnic communities upon written request to the relevant self-governing ethnic community.

## Article 23

The provisions from Articles 11 to 16 hereof shall apply for electoral registers of citizens who are members of the Italian and Hungarian ethnic communities.

## Law on Local Self-Government (Official Gazette RS, no. 72/93)

### Article 5

In territories inhabited by members of Hungarian and Italian ethnic communities, municipalities shall be formed that give effect to the special rights of ethnic communities.

### Article 39

In the ethnically mixed areas inhabited by the Italian or Hungarian ethnic communities and determined by law, the relevant ethnic community shall have at least one representative in the municipal council. Direct representation of ethnic communities in other municipal bodies shall be regulated by the statute of the municipality.

Within their jurisdiction, municipalities shall, with special acts, regulate issues related to the implementation of the rights of ethnic communities and the provision of financial means for them.

Regulations from the preceding paragraph shall be agreed to by the Council of the ethnic community through representatives of ethnic communities in municipal councils. If municipal bodies decide on other issues related to the implementation of the special rights of ethnic communities, they must acquire prior opinion of the self-governing ethnic community.

In ethnically mixed municipalities a commission on ethnic issues shall be established. Members of the ethnic community shall constitute one half of the commission's members.

In areas autochthonously inhabited by the Romany community, the Roma shall have at least one representative in the municipal council.

#### Article 40

In municipalities where ethnic Slovenes are in the minority, the provisions of this law relating to the representation of the Italian and Hungarian ethnic communities in municipal bodies shall apply accordingly to them.

#### Article 72

Municipalities may integrate into regions to regulate and exercise local matters of wider interest.

A region shall be established in a wider geographically integrated area where an important part of the social, economic and cultural relations of the inhabitants of that area take place, and in which it shall be possible, with regard to the extent of the territory, number of inhabitants and the existing and potential economic capacities, to plan such development as would promote the economic, cultural and social balance of the region and the republic.

The territory of a region shall comprise the entire territories of individual municipalities.

Ethnically mixed municipalities and municipalities which are interested in integration among themselves shall integrate into a region where wider issues related to the implementation of certain rights and the status of ethnic communities determined by the constitution shall be addressed.

A region shall be a public legal person.

#### Article 77

The state may, with a law, vest certain matters in the original jurisdiction of a region, especially from the following fields:

- environmental protection (protection of soil, air, water sources, sea, disposal sites, hydrogeological protection, waste water, etc);
- land planning (land planning documentation at regional and lower levels),
- natural and cultural heritage;
- social policies;
- transport and communications (roads, railways, transportation, telecommunications, etc.);
- energy supply
- services for the wider area in the fields of health, social security, education and professional training;
- agriculture and fishery
- supply, tourism and catering.

#### Article 83

Each municipality shall have an equal number of representatives in the regional council.

Representatives of municipalities in the regional council shall be elected by the municipal councils.

In ethnically mixed areas inhabited by the Italian or Hungarian ethnic community and determined by law, each community shall have at least one representative in the regional council.

#### Article 85

In a region encompassing ethnically mixed municipalities, the provisions of Article 39 of this Law shall be applied accordingly.

#### Law on Local Elections (Official Gazette RS, no. 72/93)

#### Article 6

The right to vote and be elected a member of the municipal council – representative of the Italian or Hungarian ethnic community - shall be held by members of ethnic community who have the right to vote.

#### Article 7

The right to vote and be elected a member of the municipal council – representative of the Romany community shall be held by members of this community who have the right to vote.

#### Article 8

Voting rights of citizens shall be recorded in the general municipal electoral register.

Voting rights of citizens for the election of representatives of the Italian and Hungarian ethnic communities shall be recorded in the special municipal electoral register for citizens –members of these ethnic communities.

Voting rights of citizens for the election of the representative of the Romany community shall be recorded in the special municipal electoral register for citizens – members of this community.

The provision of the Law on the Register of Voting Rights shall apply to the keeping of the record of voting rights, compiling of municipal electoral registers, and other issues relating to the register of voting rights which are not specially regulated by the present Law.

#### Article 10

Members of the municipal council – representatives of the Italian or Hungarian ethnic communities - shall be elected according to the majority principle.

Members of the municipal council – representatives of the Romany community - shall be elected according to the majority principle.

### Article 23

The constituency for the election of members of the municipal council – representatives of the Italian or Hungarian ethnic communities - and the constituency for the election of members of the municipal council – representatives of the Romany community - shall be the territory of the municipality.

### Article 33

Elections to the municipal council shall be managed and conducted by municipal electoral commissions.

Certain tasks relating to the conduct of local elections shall be performed by the Republic Electoral Commission.

A special municipal electoral commission shall be appointed for the elections of members of the municipal council – representatives of the Italian and Hungarian ethnic communities, and of members of the municipal council – representatives of the Romany community.

If, at proportional elections, members of the municipal council are elected in constituencies, constituency electoral commissions may be appointed.

### Article 36

At least one member and one deputy member of a special municipal electoral commission for the election of members of the municipal council – representatives of the Italian and Hungarian ethnic communities and of the Romany community - must belong to the ethnic community or to the Romany community.

### Article 49

Candidates for members of the municipal council, representatives of the Italian or Hungarian ethnic communities, shall be appointed by signatures of at least 15 voters – members of the ethnic community in the municipality.

Candidates for members of the municipal council, representatives of the Romany community, shall be appointed by voters – members of this community in the municipality.

## Law on the Financing of Municipalities (Official Gazette RS, no. 80/94 and 56/98)

### Article 26, Paragraph 7

Irrespective of statements in previous paragraphs, municipalities in bilingual areas shall be guaranteed funds from the state budget to finance the requirements of bilingualism and for the implementation of constitutional rights of the Italian and Hungarian ethnic communities.

## V. PROVISION OF INFORMATION

### Law on Mass Media (Official Gazette RS, no. 18/94)

#### Article 3

The State of Slovenia supports the development of non-commercial mass media that are important for the citizens of Slovenia in exercising the right to be informed and for the preservation of Slovene national and cultural identity; mass media meant to inform the Italian and Hungarian ethnic communities and Slovene national minorities in Italy, Austria and Hungary; and for the development of the technical infrastructure necessary for these mass media to be published and broadcast.

The State of Slovenia supports the development of non-commercial mass media for blind and deaf citizens of Slovenia, and the technologies that are adopted for their use so that they can exercise their right to be informed; and the development of the technical infrastructure necessary for these mass media to be published and broadcast.

The Government of the Republic of Slovenia shall issue special regulations governing the way and criteria for the co-financing of the mass media from Paragraphs 1 and 2 of this article.

#### Article 28

Advertisements and other paid information are published in the mass media and in other forms of public information in the Slovene language except in cases when a means of the mass media appears in a foreign language.

The provision from the previous Paragraph does not hold true for territories of mixed ethnic character where Italian and Hungarian language respectively are official languages apart from Slovene.

#### Article 40

The publisher of daily press and real as well as juridical persons or a group of persons who are the owners or co-owners of the publisher of the daily press cannot set up their own RTV organization or create, prepare and broadcast RTV programmes nor can they have more than 10 % of the shares or more than 10 % of the rights of management in another publisher of a daily press or RTV organization.

An RTV organization as well as real and juridical persons or a group of persons who are the owners of an RTV organization cannot publish their own daily press or set up an enterprise, a company, or an institution for publishing a daily press, or have more than 10 % of the shares or more than 10 % of the rights of management in the publisher of a daily press or other RTV organization.

The limits from the first Paragraph of Article 39, pertaining to the ownership shares do not hold true for the funds from Article 22 of the Law on ownership transformation of enterprises (Official Gazette RS, no. 55/92, 7/93 and 31/93).

An individual RTV organization can create, prepare and broadcast only radio or only television programmes unless otherwise determined by the law.

Regardless of the provisions of this Law an institution, set up by a self-governing ethnic community or Student's organization, can register to publish the

press and other forms of public informing and to create, prepare and broadcast RTV programmes.

#### Article 52

Should there be multiple applicants for the same radio-diffusion channel the priority in getting a free channel will go to the RTV organization the broadcasting of which will include:

- a national RTV programme or a local non-commercial programme,
- an RTV programme that would be an addition to the contents of an already existent RTV programme in a certain territory,
- an RTV programme having a prevailing part of its own production in the Slovene, Italian or Hungarian language, on the territory of communities populated by Italian and Hungarian national minorities respectively,
- a politically independent RTV programme.

While creating the proposal the council takes the following things into consideration:

- the variety of the programme offer
- the level of radio-diffusion development in a certain environment,
- the opinion of a competent body of the local community regarding arguments in favour and against the covering of a certain territory with a new RTV programme,
- the economic position of the applicant (the capability of financing said activity) and technological competence to broadcast an RTV programme,
- the number of potential users (spectators and listeners),
- the previous experience of the applicant in the field of radio-diffusion,
- the duration (quantity) of the programme,
- the willingness of the applicant to share the radio-diffusion channel with other Slovene RTV organization.

In obtaining a radio-diffusion channel for a local RTV programme priority is assigned to the RTV organization with a seat on the territory of the local community for which the programme is meant and which is not the owner of a cable-distribution system. An RTV organization is not allowed to give up its radio-diffusion channel to another RTV organization.

Before putting forward the proposal the Council is to get the opinion of the administration body of the Republic competent for traffic and communications regarding conformity to international plans and other technical conditions for the acquisition of a radio-diffusion channel.

Apart from the data determined by regulations governing radio communications, the applicant must present to the Council the data from Article 42 of this law.

#### Article 67

The importation of the foreign press is free.

The foreign press can be imported to the Republic of Slovenia by entrepreneurs and juridical persons registered for the distribution of the press with the intention of distributing this press.

A self-governing ethnic community may import Italian and Hungarian press respectively for their own needs.

Foreign press meant for distribution at trade fairs, cultural, scientific, economic, sports and similar events in the Republic of Slovenia may be, apart from by the persons from the previous Paragraph, also imported and distributed on these events by the organizers of the events as well as by the Slovene and foreign organizations taking part in the event.

#### Article 68

The responsibility for RTV programmes or parts of a programme (broadcast) that are component parts of the Slovene RTV organization is borne according to this law by the Editor-in-Chief of the programme which broadcasts a foreign programme. Foreign programmes or parts of programmes must be translated into Slovene unless national minority RTV programmes of the Italian and Hungarian ethnic communities respectively are concerned.

An RTV organization in the Republic of Slovenia may exceptionally broadcast programmes without translating them into Slovene in the following cases:

- it may broadcast individual parts of programmes if it is inevitably necessary to retain the topical issue of the information, direct transmissions and authenticity of events and if subtitling is not possible,
- it may broadcast parts of the programmes meant for foreigners in the Republic of Slovenia or for foreign public,
- it may broadcast parts of programmes meant for education.

An RTV organization must announce the programmes from the previous Paragraph in Slovene and explain the reasons for not translating the programme into Slovene.

Foreign programmes distributed by cable operators in compliance with the second Paragraph of Article 55 do not need to be translated into the Slovene language.

#### Law on Radio Television Slovenia (Official Gazette RS, no. 18/94)

#### Article 3

According to this law the public service comprises the creation, preparation and broadcasting of:

- two national television programmes,
- two national radio programmes,
- one radio and one television programme for the Italian and Hungarian ethnic communities respectively (hereinafter called minority programme),
- radio and television programmes for Slovene national minorities in the neighbouring countries,

- radio and television programmes of regional centres in Koper/Capodistria and Maribor.

In the programmes from the previous paragraph (hereinafter called: programmes of the RTV Slovenia) the RTV Slovenia assures:

- a variety of quality informative, cultural, educational and entertainment broadcasts,
- the creation and broadcasting of cultural and artistic works,
- broadcasts for Slovene national minorities in neighbouring countries, Slovene emigrants and migrant workers;
- the exercising of the constitutional rights of the Italian and Hungarian ethnic communities in the field of radio and television public information, connecting the ethnic communities with their nations of origin and the inclusion of cultural and other achievements of the Italian and Hungarian nations in national minority programmes;
- providing equal information on all events in all parts of Slovenia;
- providing information about the life and work of Slovene national minorities living in neighbouring countries;
- including non-commercial programmes of other radio and television organisations and other producers in the Republic of Slovenia and of quality foreign RTV programmes, especially from the countries of Europe;
- informing the public abroad about events and achievements in cultural and other fields in the Republic of Slovenia and affirmation of Slovene radio and television creativity abroad.

Providing information about events and representing of the interests of the regions of Slovenia, programmes for ethnic communities and programmes for Slovene national minorities is assured by RTV Slovenia, especially through units in Maribor, Koper/Capodistria and Lendava and through local programmes, "Murski val" in Murska Sobota, and "Koroški radio" in Slovenj Gradec.

RTV Slovenia assures the file recording of its programmes.

#### Article 5

The national programme has to cover the territory inhabited by at least 90 percent of the inhabitants of the Republic of Slovenia, or 90 percent of the territory inhabited by members of the Italian and Hungarian ethnic communities when the national minority programme is concerned.

#### Article 6

In-house productions by RTV Slovenia, co-productions and the commissioned production of informative, cultural, educational and entertainment programmes must comprise at least 50 % of the programme time of the programmes of RTV Slovenia, or at least two hours daily for the national minority radio programme or at least 30 minutes for the national minority television programme.

Commissioned productions are, according to this law, parts of the programmes of RTV Slovenia, or national minority programmes, prepared by other radio and television organisations in the Republic of Slovenia, free-lance producers and other



natural persons and legal entities, registered for the creation of RTV programmes, audio, video, or film production (hereinafter called producers).

RTV Slovenia offers public competition for the creation of the programmes from the previous paragraph in which, in the framework of the adopted programme scheme and, at the suggestion of the Editor-in-Chief, determines the genre, form, quantity, programme and technical standards, the actual starting price for one minute of the programme and other conditions determined by the law and the statute.

Parts of the programmes of RTV Slovenia are submitted in accordance with the procedure determined by the Minister of Culture; the way and the procedure prescribed for the submission of the works that are financed by the budget of the Republic must be taken into consideration.

The national minority programme or part of this programme can be handed over to another RTV organisation or producer only with the consent of the Programme Council of the national minorities programme.

The amount of the commissioned production must include at least one fifth of the production from the first paragraph of this article.

#### Article 14

The RTV Slovenia acquires the means for creating, preparing, broadcasting and diffusion of its programmes from:

- subscription payments for RTV Slovenia programmes (hereinafter called subscription );
- the activities determined in Articles 12 and 13 of this law;
- funds from the of state budget;
- advertising and publishing of other paid messages, sponsoring and from other sources.

The surplus of the income over outgoing expenses, acquired by the activity from Articles 12 and 13 of this law, is used by the RTV Slovenia to perform and develop activities from Article 3 of this law. The Council of RTV can decide to use the surplus for development and other needs of the activities from Articles 12 and 13 of this law.

The state budget supports:

- part of the national minorities programmes;
- part of RTV Slovenia programmes for Slovene national minorities in the neighbouring countries, for emigrants and foreign workers and for the foreign public;
- part of the costs for the establishment, maintenance and activation of the network for the broadcasting and diffusion of RTV Slovenia programmes and local non-commercial programmes;
- individual projects of cultural, scientific and general educational importance, proposed by the competent ministries.

The means raised by subscriptions are used for creating, preparing, broadcasting and diffusing RTV Slovenia programmes and for the maintenance and operating of the broadcasting network needed for the transmission and diffusion of local non-commercial RTV programmes.

#### Article 16

The managing body of RTV Slovenia is the Council of RTV Slovenia consisting of 25 members:

1. five members are appointed by the Parliament, mostly respecting the proportional representatives of the members of parliamentary parties; however, the Parliament cannot appoint deputies and state officials to the Council of RTV Slovenia;

2. one member is appointed by the Italian national community;

3. one member is appointed by the Hungarian national community;

4. one member is appointed directly by:

- the University of Ljubljana and the University of Maribor,
- the Slovene Academy of Arts and Sciences,
- the Association of Slovene Film Producers,
- the Association of Slovene Writers and Association of Theatre Artists of Slovenia,
- the Association of Cultural Organisations of Slovenia,
- the Association of Journalists of Slovenia,
- the Council of the Organisation of Disabled Persons of Slovenia,
- the Union of Sports Organisations of Slovenia,
- the Association of Employers of Slovenia,
- the Cooperative Union and Farmers' Association,
- the Coordination Committee of Organisations and Parties of the Retired People of Slovenia,
- representative trade-unions as employee's organisations,
- the Youth Council of Slovenia and Union of the Friends of the Youth,
- religious communities in Slovenia.

Deputies, members of the National Council, state officials and members of the presidency of political parties, as well as persons employed in RTV Slovenia, or who used to be employed in RTV Slovenia in previous years, cannot be elected as members to the Council of RTV Slovenia.

5. three members are elected from those employed by RTV Slovenia by direct election in such a way that informative activity, cultural-artistic activity and technology are represented; however, in accordance with this Item, members appointed by the Council of RTV Slovenia cannot be elected members of the Council of RTV Slovenia.

## Article 18

The Council of RTV Slovenia:

- adopts the statute;
- appoints and dismisses the Director-General of RTV Slovenia, Director of radio programmes and Director of television programmes, Manager of the unit Transmitters and Communications and Directors of national minority programmes, Editors-in-Chief and one third of the members of programme councils for the national minority programme;
- determines the cost of subscription;
- adopts the financial plan and final account and decides on the use of a possible surplus of income over the outgoing expenses;
- determines programme standards and programme concepts in accordance with the law and international acts and annual programme schemes with a financial plan;

- determines the way of reporting and temporary or permanent discharging of a receiver and facilities and other special conditions for the payment of the subscription for these receivers;
- decides on other questions determined by the law and the statute.

The decision on matters from Items 1 to 6 of the previous paragraph and on other subjects that are so determined by the statute is deemed adopted when it is adopted by a majority of all the members of the Council of the RTV Slovenia.

The Government of the Republic of Slovenia gives its consent on the amount of the subscription and facilities and other special conditions.

The National Assembly of the Republic of Slovenia gives consent to the statute of the RTV Slovenia and to amendments to the statute.

## Article 20

The Director General of RTV Slovenia is appointed by the Council of the RTV Slovenia on the basis of a public application. The National Assembly of the Republic of Slovenia gives consent to the appointment of the Director General of RTV Slovenia.

The director of radio programmes and director of television programmes and manager of the organisational unit Transmitters and Communications are appointed by the Council of RTV Slovenia on the basis of public application following the recommendations of Director General.

The director of programmes from the previous paragraph cannot at the same time be the manager of an organisational unit.

The director of the national minority programmes is appointed by the Council of RTV Slovenia on the basis of public competition following the recommendations of Director General.

The editor-in-chief of programmes is appointed and relieved by the Council of RTV Slovenia on the basis of public competition on the proposal following the recommendations of the director of radio programmes or director of television programmes after the previous consent of representatives employed on the editorial board, the activities of which are led by the editor-in- chief.

The structure and method of appointing representatives and their authorities are defined by the statute.

The editor is appointed and dismissed by the director of the radio or television programme at the proposal of the competent editor-in-chief.

The director-general, director of radio programmes, director of television programmes, director of national minority programmes, managers of organisational units and editors-in-chief are appointed for a period of four years.

## Article 22

The Council of RTV Slovenia appoints programme councils for the national minority programmes (hereinafter called the Programme Councils).

Self-governing ethnic communities appoint to the Programme Council of the previous paragraph two thirds of the members for a period of four years, with a possibility of re-election.

The Programme Council gives consent to the appointment of the editor-in-chief of the national minority programme and to the amount and programme concept of this programme.

The Programme Council deals with the carrying out of the programme concept, complaints and suggestions of the viewers and listeners, makes suggestions to the Council of RTV Slovenia for the consideration of certain questions linked to the national minority programme, and performs other tasks determined by the statute.

RTV Slovenia must publish the positions of the Programme Council regarding the problems of national minority programmes.

#### Article 26

The statute of RTV Slovenia determines in particular: the organisation of the public institution, bodies and their authorities, conditions for the appointment and relieving of duty of the director-general, director of radio programmes, director of television programmes, directors of national minority programmes, managers of organisational units and editors-in-chief, the number and field-of-work of editors-in-chief and editors, the number of programme councils for national minority programmes and their members, and other questions that are important for the activities and operation of the institution.

#### Article 31

The function of the director-general after the enforcement of this law is performed by the present director-general, appointed in accordance with the provisions of the Law on RTV Slovenia (Official Gazette RS, no. 14/90, 24/90, 43/90).

The Council of RTV Slovenia must, regardless of the provisions from the previous paragraph, within 30 days after its constitution, confirm the appointment of the present director-general. If the Council of RTV Slovenia does not confirm the appointment by a majority of votes it has to officially announce a vacancy for director-general within 10 days.

The Council of RTV Slovenia must officially announce a vacancy for the director of television programmes and directors of national minority programmes within 30 days after its constitution.

Until the director of programmes from the previous paragraph is elected, editors-in-chief of radio or television programmes respectively hold this position.

The statute of RTV Slovenia is to be coordinated with the provisions of this law within 60 days after the constitution of the Council of RTV Slovenia.

### Statute of the Public Institution RTV Slovenia (Official Gazette RS, no. 66/95)

#### Article 7

Activities of the RTV Slovenia as a public institute:

1. 0/92.20 Radio and TV activities

The creation, production and broadcasting of the following radio and television programmes:

- Two national television programmes;
- Three national radio programmes;

- One radio and one television programme for the Italian and one radio and one television programme for the Hungarian national community (hereinafter referred to as the national minority programmes);
- Radio and television programme for Slovene national minorities in the neighbouring countries in accordance with interstate treaties and protocols;
- Radio and TV programmes for the foreign public;
- Radio and television programmes of the regional centres in Koper and Maribor;
- Teletext, RDS (Radio Data System) programme.

The RTV Slovenia must guarantee that radio and TV programmes include:

- Quality, varied and balanced informative, cultural, educational and entertaining programmes;
- Creation, remaking and broadcasting of artistic works;
- Programmes for Slovene national minorities in the neighbouring countries, Slovene immigrants and expatriates;
- Exercise of the constitutional rights of the Italian and Hungarian ethnic communities in the fields of radio and television public information, maintaining connections between the ethnic communities and their nations of origin, and the inclusion of cultural and other achievements of the Italian and Hungarian nations in the national minority programmes;
- Equal provision of information about events in all parts of Slovenia;
- Provision of information about the life and activities of Slovene national minorities in the neighbouring countries;
- Non-commercial programmes of other radio and television organisations and of other producers in the Republic of Slovenia, and the inclusion of quality foreign RTV programmes, particularly from European countries;
- Informing the foreign public about events and achievements of the Republic of Slovenia in cultural and other fields, and presentation of Slovene radio and television creativity abroad;
- Recording of radio and TV programmes.

RTV Slovenia shall provide information about events and the presentation of the interests of the regions of Slovenia, programmes for national communities and programmes for Slovene national minorities in particular through units in Maribor, Koper and Lendava, and through local programmes, "Murski val" in Murska Sobota, and "Koroški radio" in Slovenj Gradec.

#### Article 9

RTV Slovenia shall include the following units:

1. Programme unit Television Slovenia,
2. Programme unit Radio Slovenia,
3. Organisational unit TV Production,
4. Organisational unit Radio Production,
5. Regional RTV Centre: Regionalni RTV Center Koper-Capodistria-Centre Regionale RTV Koper-Capodistria,
6. Regional RTV Centre Maribor with two studios for the Hungarian programme in Lendava - Magyar Nemzetiségi Műsorok Lendvai Szerkesztőség,
7. Organisational unit Musical Production,

8. Organisational unit Transmitters and Communications,
9. Organisational Unit Založba kaset in plošč (Record company).

#### Regional RTV Centre Koper-Capodistria

##### Article 18

The programme of the TV Koper-Capodistria and the programme of the Radio Koper-Capodistria shall integrate into the regional RTV centre Koper-Capodistria, which shall create, produce and broadcast television and radio programmes in Slovene, television and radio programmes for the Italian national community, television and radio programme for the Slovene minority in Italy. The regional RTV centre shall also produce programmes for national radio and TV programmes.

##### Article 19

The editorials of the regional radio and TV programmes and the editorials of the radio and TV programmes shall produce the radio and TV programmes from the preceding Article in the Italian language.

The production of the radio and TV programmes shall be managed and coordinated by the editors-in-chief of these programmes in cooperation with the directors of radio and TV programmes.

The production of the television and radio programmes in the Italian language shall be coordinated by the director and editors-in-chief of the programmes for the Italian national community.

Organisational, business and other general matters shall be managed and coordinated by the manager of the regional RTV centre.

#### Regional RTV Centre Maribor

##### Article 20

The Regional RTV Centre Maribor shall create, produce and broadcast the regional television and radio programmes, the television and radio programmes for the Hungarian national community, the television and radio programmes for the Slovene minorities in Austria and Hungary. It shall also produce broadcasts for national radio and TV programmes, and broadcasts in foreign languages.

##### Article 21

Radio and TV programmes from the preceding Article shall be produced by the editing departments of the regional radio and TV programmes and by the editing departments of the radio and TV programmes in the Hungarian language.

The production of the radio and TV programmes shall be managed and coordinated by the editor-in-chief of the regional radio programmes in cooperation with the director of radio programmes.

The production of the regional TV programmes shall be managed and coordinated by the editor-in-chief of the regional TV programmes in cooperation with the director of TV programmes.

The production of the television and radio programmes in the Hungarian language shall be coordinated by the director and editors-in-chief of the programmes for the Hungarian national community. The management office of the radio and TV programmes for the Hungarian national community shall be in Lendava.

Organisational, business and other general matters shall be managed and coordinated by the manager of the regional RTV centre.

## Programme directors

### Article 40

Programme directors shall be senior workers of the RTV Slovenia in the area of radio and television programmes.

The RTV Slovenia shall have programme directors for the following programme areas:

- Television programmes of the RTV Slovenia,
- Radio programmes of the RTV Slovenia,
- TV and radio programmes for the Italian national community,
- TV and radio programmes for the Hungarian national community.

### Article 41

Programme directors shall be appointed by the Council of the RTV Slovenia on the basis of a public invitation for applications and preliminary opinion of the director general.

The proposal for appointing the director of the national minority programmes shall be submitted by the Programme Council of the National Minority Programmes.

Programme directors shall be appointed for four years, and may be re-appointed after the expiration of this period.

## Editors-in-chief

### Article 47

Editors-in-chief shall be appointed and dismissed by the Council of the RTV Slovenia on the basis of a public invitation for applications and with preliminary consent of the presidency of editorial-production units.

The Programme Council of the National Minority Programmes shall give its consent to the appointment of the editors-in-chief of the national minority programmes.

Editors-in-chief shall be appointed for four years.

Editors-in-chief may be dismissed under the same conditions as programme directors.

### Article 48

As editor-in-chief may be appointed any person fulfilling the legal and the following special conditions:

- Must have citizenship of the Republic of Slovenia;
- Must have a university degree in the social or humanistic sciences (VII);

- Must have performed 4 years of active work as journalist (for editors-in-chief of informative and educational programmes), or 4 years of creative work in the cultural or artistic field (for editors-in-chief of cultural and artistic programmes), or 4 years of active work as a journalist or 4 years of creative work in the cultural or artistic field (for editors-in-chief of entertainment and sport programmes);
- Must have active knowledge of at least one world language;
- Must have active knowledge of the Italian language as a special requirement for appointment as editor-in-chief of the Italian programmes, or of the Hungarian language for appointment as editor-in-chief of the Hungarian programmes;
- May not be a deputy of the National Assembly or an official of a political party.

### Programme Councils of National Minority Programmes

#### Article 52

Two Programme Councils shall operate in the area of national minority programmes within the RTV Slovenia:

1. Programme Council of Radio and TV Programmes for the Italian National community;
2. Programme Council of Radio and TV Programmes for the Hungarian National community.

#### Article 53

The Programme Councils shall:

- Examine the realisation of the programme concept;
- Give consent to the scope and programme concept of the national minority programmes;
- Examine comments and proposals provided by viewers and listeners, relating to the national minority programmes;
- Submit proposals to the Council of the RTV Slovenia to examine issues relating to the national minority programmes;
- Examine the initiatives, opinions and proposals submitted by journalists and editors, which relate to the production and broadcasting of the national minority programmes;
- Propose the appointment and dismissal of Directors of the national minority programmes;
- Give consent to the appointment and dismissal of editors-in-chief of the national minority programmes;
- Deal with other issues relating to the national minority programmes.

#### Article 54

The Programme Councils shall be established by the Council of the RTV Slovenia. The Programme Councils shall consist of seven members. Five members



shall be appointed by the self-governing ethnic communities, and two members shall be appointed directly by the Council of the RTV Slovenia.

Public officials, experts and other persons familiar with the issues of the ethnic communities shall be appointed members of the Programme Council.

The procedure of drawing up the list of candidates shall be managed and coordinated by the Chairperson of the Council.

The president and deputy president shall be elected by the Programme Council from amongst the members of the Programme Council.

The term of office shall be 4 years. The members may be re-appointed.

#### Article 55

Decisions adopted by the Programme Council shall be valid if more than half of its members are present at the session.

Positions, opinions, proposals and other decisions shall be adopted by the majority of the members present at the session. Positions and proposals relating to the programme concept, programme scheme, annual programme, and appointment of the programme director and editor-in-chief shall be adopted by the majority of all members of the Programme Council.

The Programme Council shall regulate the method of work in detail by rules of procedure.

## VI. EDUCATION

### Law on Institutes (Official Gazette RS, no. 12/91)

#### Article 3

Public institutes shall be founded for performing public services.

Public institutes may be founded for performing activities not defined as public services if the performance of such activities is assured in the manner and under the conditions that apply to public services.

Public institutes shall be founded by the republic, municipality, city or other legal entity authorised by law. Self-governing ethnic communities shall have the right to co-found or found public institutes which perform activities important for the realisation of the rights of the national minority.

Public institutes may also be co-founded by other legal entities or natural persons.

## I. GENERAL PROVISIONS

### Article 1 (Contents of the Act)

This Act regulates the requirements for the performance of educational activities and defines the governance and financing of education in the following areas:

- preschool education,
- primary education,
- education of children and youth with special needs,
- basic music education,
- lower and secondary vocational education,
- professional and technical secondary education,
- general secondary education,
- post-secondary vocational education,
- education in dormitories for pupils and secondary-school students, and
- adult education.

**The contents and procedures for the adoption of education programs for preschool children and their funding as well as the qualification requirements and work load of educators shall be defined by law.**

The stipulations of this Act and the Act regulating the specific rights of the Italian and the Hungarian national minority shall apply to preschool institutions and schools offering education to the members of the Italian and the Hungarian national minority.

(...)

### Article 2 (Educational Objectives)

The education system in the Republic of Slovenia shall aim at:

- ...
- developing language proficiency and skills as well as promoting the awareness of the position of the Slovene language as the language of the Slovene state, and -- in ethnically mixed areas -- fostering and developing the Italian and Hungarian languages in addition to Slovene;
- ...

### Article 3 (Language of Instruction)

Educational activities in preschool institutions and schools shall be carried out in the Slovene language.

Pursuant to this Act and a special Act, preschool institutions and schools offering education and instruction in the Italian language (preschool institutions and

schools in the language of the national minority) shall be established in ethnically populated by Slovene nationals and members of the Italian national minority and defined as ethnically mixed areas.

Pursuant to this Act and a special Act, bilingual preschool institutions and schools offering education and instruction in the Slovene and the Hungarian languages (bilingual preschool institutions and schools) shall be established in areas populated by Slovene nationals and the Hungarian national minority and defined as ethnically mixed areas.

Article 24  
(Members of the Councils of Experts)

(...)

At least one fourth of the members shall be professionals employed by preschool institutions, schools and institutions for the education of children and youth with special needs appointed by the Government upon the nomination by professional associations and societies in the field of humanities, social and natural sciences, engineering, arts, the field of school medicine as well as one representative of the Italian and the Hungarian national minority. The representatives of the Italian and the Hungarian national minority shall be nominated by the national minorities.

(...)

V. COUNCILS OF EXPERTS

Article 25

(Authority of the Council of Experts of the Republic of Slovenia for General Education)

The Council of Experts of the Republic of Slovenia for General Education shall:

- ...
- establish education programs for members of the Italian and Hungarian national minorities;
- ...

IX. PRESCHOOL INSTITUTIONS AND SCHOOLS

1. Establishment

Article 41  
(Founders of Public Preschool Institutions and Schools)

(...)

National minorities shall act as cofounders of public preschool institutions or schools providing education in the language of the national minority or bilingual education.

Article 44  
(Criteria for Establishment)

(...)

Public preschool institutions, public schools or education institutions for children and youth with special needs may be founded in ethnically mixed areas, areas along the state border, in areas with special developmental problems, in cases when a single school offering a particular education program in the state is being established, and for the education of children and youth with special needs even if the requirements of the preceding paragraphs are not met.

(...)

## 2. Bodies of Public Preschool Institutions and Schools

### e) Appointment and Removal

#### Article 53

##### (Appointment of Principals)

(...)

Prior to the appointment or removal of principals, the councils of public preschool institutions or schools shall obtain the opinion of the institution's faculty and the local community where the seat of the institution is located; if a public preschool institution or school is founded by a national minority, the national minority's opinion is also required.

(...)

## 5. Names of Preschool Institutions and Schools

#### Article 69

##### (Names)

The name of preschool institutions or schools -- with the exception of those cofounded by national minorities in accordance with Paragraph 4 of Article 41 -- shall be in the Slovene language.

Foreign names of persons, forming part of a preschool institution's or school's name, shall be written according to the Slovene orthography or the orthography of the Italian or Hungarian languages, respectively, when a preschool institution or school cofounded by a national minority in accordance with paragraph 4 of Article 41 of this Act is concerned.

(...)

## XIII. FINANCING

### 1. PUBLIC SCHOOLS

#### a) State Budget

#### Article 81

##### (Schools)

(...)

The state budget shall also provide funding for investments in vocational, technical and other professional secondary schools, *gymnasia*, schools and institutions

for children and youth with special needs, primary schools for national minorities, post-secondary vocational colleges, dormitories for secondary-school students and other schools founded by the state.

(...)

The state budget shall also provide the following funding for activities and tasks supporting the performance of educational activities:

- ...
- preparation of and subsidies for textbooks and teaching materials for primary school, schools of national minorities, for the education of Slovene nationals living abroad, and Roma;
- ...

#### b) Local Government Budgets

##### Article 82 (Schools)

In compliance with the criteria and standards, local community budgets shall provide funding for:

- ...
  - investments in primary schools, music schools and adult education organizations, and part of investments in schools of national minorities.
- (...)

#### c) Provision of Funding

##### Article 84 (Criteria and Standards)

Public schools shall be funded in compliance with the criteria and standards determined by the minister. Before determining the criteria and standards, the minister shall obtain the opinion of the respective council of experts and representative trade unions in the field of education.

Special criteria and standards shall be determined for education:

- regions with special developmental problems;
- ethnically mixed regions;
- Romany children;
- children and youth with special needs: specially organized preschool and education programs, special education programs, and special care and education programs.

(...)

### XIV. PRESCHOOL AND SCHOOL EMPLOYEES

##### Article 92 (Employees)

(...)

Educators in preschool institutions and schools offering bilingual education and the education in the languages of the minority in ethnically mixed regions shall possess professional qualifications stipulated by this Act and other regulations, a

teaching certificate and meet other requirements in compliance with special regulations.

(...)

Employees of the preceding paragraph shall have qualifications stipulated by the job specification, shall possess the fluent knowledge of the Slovene language, and -- in preschool institutions and schools offering bilingual education in ethnically mixed regions -- also the language of the national minority.

## XVI. EMPLOYMENT

### 4. Workload

#### b) Vocational Education

##### Article 121

##### (Work- and Teaching Load)

In compliance with the law and collective agreement regulating the full-time weekly workload, the weekly teaching load of teachers shall amount to:

- ...
- 19 periods at the most for the teachers of the Hungarian and Italian languages;
- ...

#### c) *Gymnasia*

##### Article 122

##### (Work- and Teaching Load)

In compliance with the law and collective agreement regulating the full-time weekly workload, the weekly teaching load of teachers shall amount to:

- ...
- 19 periods at the most for the teachers of the Hungarian and Italian languages;
- ...

## XIX. TRANSITIONAL AND FINAL PROVISIONS

### Article 137

### (Financing)

Till the adoption of education programs in compliance with this Act and acts for individual fields of education, funding shall be provided for education programs carried out by public schools and schools with a concession as follows:

#### 1. In primary education:

- programs of life and work of primary schools including the implementation of special rights of the Italian and Hungarian national minorities in compliance with law;
- ...

#### 2. In secondary education:

- secondary education programs including the implementation of special rights of the Italian and Hungarian national minorities in compliance with law;
- ...

Law on Vocational and Professional Training (ZPSI) (Official Gazette RS, no. 12/96)

#### Article 2

The goals of vocational and professional training are:

- ...
- to develop capabilities of comprehending and communicating in the Slovene language; while in regions defined as ethnically mixed, in the Italian or Hungarian language respectively,
- ...

#### Article 8 (Language of Instruction)

Language of instruction in vocational or professional training shall be Slovene.

In vocational and professional schools of the national community, the language of instruction shall be Italian, while in bilingual vocational and professional schools it shall be Slovene and Hungarian.

In regions populated by members of the Slovene nation and members of the Italian national community, which are defined as ethnically mixed regions, the apprentices or pupils in vocational and professional schools with Slovene as language of instruction shall learn Italian, while apprentices or pupils in vocational and professional schools with Italian as the language of instruction shall learn Slovene.

(...)

Preschool Institutions Act (Official Gazette RS, no.12/96)

#### Article 5 (Language)

In preschool institutions, education shall be carried out in the Slovene language.

Pursuant to a special Preschool Institutions Act, in areas defined as areas with mixed populations of Slovene and Italian nationalities, children in preschool institutions offering education in Slovene shall learn Italian, children in preschool institutions offering education in Italian shall learn Slovene.

Pursuant to a special Act, in areas defined as areas with mixed populations of Slovene and Hungarian nationalities, preschool institutions shall offer bilingual education in the Slovene and Hungarian languages.

#### Article 6 (Implementing Minority Rights)

The provision of special rights of the Italian and Hungarian minorities in the Republic of Slovenia concerning preschool education shall be regulated by a special Act.

Article 14  
(Programs in Preschool Institutions)

(...)

Special standards and criteria shall apply to regions with specific development problems, ethnically mixed areas and to the education of Romany children.

Article 29  
(State Budget)

Funding for the following shall be provided from the state budget:

- ...
- the higher cost of classes provided education in Italian and bilingual education classes in Slovene and Hungarian as well as classes of Romany children,
- part of investments in premises and equipment in areas with ethnically mixed population.

Article 54  
(Funding)

Prior to the adoption of preschool education programs in compliance with this Act, the following shall be considered as public service in the field of preschool education and preparation for school:

- ...
- programs for preschoolers of Italian and Hungarian ethnic minorities in ethnically mixed areas;
- ...

The Elementary School Act (Official Gazette RS, no. 12/96)

Article 2  
(Education Goals)

The goals to be achieved by elementary education are:

- ...
- to foster literacy and the competency to understand, communicate and express oneself in the Slovene language and, in the areas defined as ethnically mixed, also in the Italian and Hungarian language, respectively;
- ...

Article 6  
(Language of Instruction)

The language of instruction in elementary schools shall be Slovene.



The language of instruction in elementary schools providing instruction in the languages of ethnic minorities shall be Italian and, in bilingual elementary schools, Slovene and Hungarian.

In elementary schools in areas populated by Slovenes and members of the Italian minority and defined as ethnically mixed areas, pupils in schools providing instruction in Slovene shall also learn Italian, and pupils in schools providing instruction in Italian shall also learn Slovene.

Article 7  
(Protection of the Rights of Minorities)

The protection of special rights of Italian and Hungarian ethnic minorities concerning elementary education shall be regulated by law.

Article 8  
(Additional Education)

(...)

In compliance with international agreements, the teaching of their respective native languages and cultures shall be organized for the children of Slovene citizens living in the Republic of Slovenia whose mother tongue is not Slovene; the teaching of Slovene may also be offered.

Article 64  
(Assessment of Knowledge at the End of Tiers)

(...)

Notwithstanding the stipulations of the second, third and fifth paragraph of this Article, in ethnically mixed areas, pupils' knowledge in:

- the Slovene or Italian and Hungarian language, respectively, and mathematics shall be assessed at the end of the first tier;
- the Slovene or Italian and Hungarian language, respectively, mathematics and foreign language shall be assessed at the end of the second tier;
- the Slovene or Italian and Hungarian language, respectively, mathematics, foreign language and two compulsory subjects shall be assessed at the end of the third tier.

(...)

Gymnasium Act (Official Gazette RS, no. 12/96)

Article 2  
(Goals)

The task of general and technical *gymnasia* (hereinafter: *gymnasium*) shall be to:

- ...
- transfer the knowledge of the Slovene language and literature and, in areas with mixed ethnicity populations, also of the Italian and Hungarian languages and literature

as well as develop the skills of understanding and communicating in the standard language;

– ...

#### Article 8 (Language of Instruction)

(...)

The language of instruction in *gymnasia* for the Italian minority shall be Italian, in bilingual *gymnasia* Slovene and Hungarian.

In areas with mixed populations of Slovene and Italian nationalities, defined as ethnically mixed areas, in *gymnasia* offering instruction in Slovene students shall learn Italian, in those offering instruction in Italian they shall learn Slovene.

(...)

### **Law on Implementation of Special Rights for Members of the Italian and Hungarian National Minorities in the Field of Education (Official Gazette RS, no. 12/82)**

#### Article 2

Education of members of the Italian and Hungarian national minorities shall be a composite part of a unified education system and shall proceed in accordance with the regulations governing the field of education and the protection of pre-school children of primary and guided education, unless otherwise specified by law.

#### Article 4

For the implementation of the special rights of the Italian and Hungarian national minorities and for the implementation of the equality of the languages of these nationalities with the Slovene language, educational organisations which perform educational work in the Slovene language and in the languages of the nationalities (hereinafter: bilingual educational organisations), and educational organisations which perform educational work in the language of a national minority (hereinafter: educational organisations in the language of the national minority) shall be founded in areas in which members of the national minorities live together with members of the Slovene nationality (hereinafter: ethnically mixed areas).

In bilingual educational organisations members of the Slovene nationality shall be educated together with members of the relevant national minority.

In educational organisations providing education in the language of a national minority, the students must learn the Slovene language. In educational organisations in these areas, providing education in the Slovene language, they must learn the language of the national minority, which provides the foundations for bilingual communication, understanding of the cultural and other values of both nationalities as well as deepening bilateral coexistence.

For realisation of the social aims and tasks from Article 3 of this Law, the study of the language of the national minority shall be organised at the appropriate university.

#### Article 5

Educational organisations from the first paragraph of the preceding article shall be founded in areas which the statute of the municipality defines as ethnically mixed areas, in accordance with the regulations which apply to the foundation of individual types of educational organisations, and with this Law.

#### Article 6

In bilingual educational organisations and in educational organisations in the language of a national minority, education shall proceed in accordance with an education programme, a programme of the life and work of primary schools or the educational programme for secondary school education, which shall be adapted to the work of these organisations in accordance with this Law.

#### Article 7

The educational programme for the education and care of pre-school children must be adapted in such a way that, in addition to the realisation of aims and tasks defined by this Law, it shall also provide children with the opportunity to develop their mother tongue and to learn the basics of the Slovene language or the language of the national minority.

#### Article 8

The programme of the life and work of the primary school and the educational programme in secondary school education, by which the members of the Italian or Hungarian national minorities shall be educated, shall be adapted in such a way that in addition to the aims and tasks defined by this law, they shall also consider the special historical, geographical and other achievements of their nation of origin as well as assure the respect of the national sentiment of these pupils.

#### Article 13

Educational organisations in the language of the national minority and bilingual educational organisations, for which, because of a small number of pupils it is not practical to organise lessons by classes and departments, may organise a more flexible form of education of pupils, but they must entirely cover the subject matter of the curriculum for individual classes.

#### Article 15

For the realisation of the aims and tasks of this Law, the educational organisations in which members of the national minorities are educated shall cooperate with corresponding institutions of their nation of origin, in compliance with annual work plans.

#### Article 16

Educational work in educational organisations in the language of the national minority shall be conducted by or shall involve the cooperation of teachers, tutors, guardians, consultants and other professionals who are members of the corresponding national minority.

The provisions of the preceding paragraph shall not apply to teachers who teach the Slovene language.

If, for the educational work, it is not possible to secure suitably trained teachers, tutors, guardians, consultants or other professionals from among members of the national minority, this work may be performed by workers who are not members of the national minority.

#### Article 17

In order to work in an educational organisation in the language of a national minority, teachers, tutors, guardians, consultants and other professionals must be fluent in the language of instruction, and for work in bilingual educational organisations, fluent in both languages of instruction.

#### Article 18

Fluency in the language of the national minority as a language of instruction by workers from the preceding paragraph shall be acknowledged if they have completed secondary school, college or university in the minority language, or a bilingual secondary school or study of the minority language at an appropriate college or university.

Fluency in the Slovene language as a language of instruction for work in bilingual educational organisations shall be acknowledged if secondary school, college or university have been completed in the Slovene language or when bilingual secondary school has been completed.

Workers who do not meet the conditions of the first and second Paragraphs of this Article must pass a test in the language of instruction. The extent, content and manner of this test shall be defined by the republic administrative body competent for education.

#### Article 19

**Programmes of professional qualification of workers from Article 17 of this Law must include improvement in the knowledge of the language of instruction.**

#### Article 22

A resolution on the foundation, the temporary cessation of work or the abolishing of an educational organisation shall come into force when the Assembly of the Republic of Slovenia gives its consent supported by an equal resolution from the Assembly of the Educational Community.

#### Article 26

Educational organisations of a national minority shall operate in the language of that nationality, while bilingual educational organisations shall operate bilingually.

#### Article 27

In accordance with this Law, educational organisations shall issue diplomas and other documents in both languages.

#### Article 28

Members of the Italian or Hungarian national minorities must also be among the pedagogic employees who perform consultant and supervisory work in educational organisations.

## VII. CULTURE

### **Act on the Implementation of the Public Interest in Culture (Official Gazette RS, no. 75/94)**

#### Article 8, Paragraph 7

Forms of facilitating cultural development of the Italian and Hungarian ethnic communities and measures for the preservation of the cultural heritage in the ethnically mixed areas, which is particularly linked to the historical presence of the ethnic communities.

#### Article 10

The Government shall establish the Council for Culture as a deliberative body. The Government shall appoint the chairperson and one third of the members on the nomination by the minister, one third on the nomination of the Cultural Chamber of Slovenia and professional associations of cultural workers who are not members of the Chamber and have more than 100 members, and one third on the nomination of the Slovenian Academy of Sciences and Arts, pools in the field of amateur cultural activities organised for the area of the state and of the Italian and Hungarian ethnic communities.

The number of members of the Council, the duration of their term of office and the method of their work shall be defined by the Government with the Act of the establishment of the Council.

### **Law on the Protection of Cultural Heritage (Official Gazette RS, no. 7/99)**

#### Article 6, Paragraph 6

Ethnological monuments shall be areas, buildings, groups of buildings, objects of everyday use and artefacts which bear witness to the life and work of Slovenes, members of the Italian and Hungarian minority and other peoples on the territory of Slovenia.

## **Law on the Fund for Amateur Cultural Activities of the Republic of Slovenia (Official Gazette RS, no. 1/96)**

### Article 3

The national cultural programme in the field of amateur cultural activities shall be implemented by:

- the Fund for amateur cultural activities of the Republic of Slovenia;
- self-governing communities of autochthonous Italian and Hungarian ethnic communities in Slovenia;
- amateur cultural societies and their associations respectively which fulfil conditions of annual invitations of the Fund for financing or co-financing cultural programmes from public funds;
- other groups, individuals and organisations, active in the field of amateur cultural activities and fulfilling the conditions of the annual call for tenders of the Fund for financing and co-financing of the cultural programmes from public means,
- cultural organisations and societies of Slovenes living in neighbouring and other countries.

### Article 5

The principal tasks of the Fund shall be as follows:

- to implement the national cultural programme covering amateur cultural activities and to monitor and analyse the conditions in its sphere of activity;
- to finance and co-finance amateur cultural programmes from means of the Fund;
- to supervise the work and the expenditure of public means by performers of the national cultural programme in the field of amateur cultural activities;
- to gather proposals for financing or co-financing of programme and projects in the field of amateur cultural activities by means of public invitations;
- to conclude agreements on financing or co-financing the aforementioned programmes and projects with selected performers of the same;
- to provide a professional and organisational support for amateur cultural societies and their associations, groups and individuals in performing their amateur cultural activities, and to provide support for local communities in their efforts to create conditions for the realisation of cultural events in the area of regional branches;
- to provide an administrative and expert support for associations of cultural societies which perform common tasks for their member societies;
- to plan and implements co-operation with corresponding foreign organisations;
- to attend to educational programmes in the field of culture;
- to promote achievements in the field of amateur cultural activities and to present the cultural production;

- to publish publications from its sphere of activity.

Based on an agreement with a local community or a self-governing community of autochthonous Italian and Hungarian national community in Slovenia, the Fund may perform tasks under the foregoing Paragraph also for the aforesaid communities.

### **Law on Librarianship (Official Gazette RS, no. 27/82)**

#### Article 31

The central libraries in ethnically mixed areas shall particularly deal with the professionalism and organisation of library activities intended for members of the Italian and Hungarian national minorities.

### Law on Institutes (Official Gazette RS, no. 12/91)

#### Article 3

Public institutes shall be founded for performing public services.

Public institutes may be founded for performing activities not defined as public services if the performance of such activity is assured in a manner and under the conditions that apply to public services.

Public institutes shall be founded by the republic, municipality, city or other legal entity so authorised by law.

Self-governing ethnic communities shall have the right to co-found or found public institutes which perform activities important for the realisation of the rights of the national minority.

Public institutes may also be co-founded by other legal entities or natural persons.

## **VIII. COOPERATION WITH THE NATION OF ORIGIN**

### Constitution of the Republic of Slovenia (Official Gazette RS, no. 33/91)

#### Article 64

(Special Right of the Autochthonous Italian and Hungarian Ethnic Communities in Slovenia)

(...)

**The Italian and Hungarian ethnic communities and their members shall enjoy the right to foster contacts with the wider Italian and Hungarian communities**

**living outside Slovenia, and with Italy and Hungary respectively. Slovenia shall give financial support and encouragement to the implementation of these rights.**

(...)

**Law on Implementation of Special Rights for Members of the Italian and Hungarian National Minorities in the Field of Education (Official Gazette RS, no. 12/82)**

Article 15

For the realisation of the aims and tasks of this law, the educational organisations in which members of the national minorities are educated shall cooperate with corresponding institutions in the motherland, in compliance with annual work plans.

**IX. ECONOMIC DEVELOPMENT**

**Act on the Use of Funds Arising from the Proceeds on the Basis of the Act on the Transformation of Company Ownership (Official Gazette RS, no. 45/95)**

Article 1

This Act shall regulate:

- The amount of funds arising from the proceeds to be allocated for the purposes of Article 33 of the Act on the Transformation of Company Ownership (Official Gazette RS, no. 55/92, 7/93, 31/93 and 32/94 – decision of the Constitutional Court) and the present Act;
- The method and conditions for the allocation of the above funds;
- The establishment and operation, and the rights and obligations of the fund for regional development and maintenance of settlement in the Slovene rural area.

Article 7

The proceeds shall be allocated for individual purposes in the following amounts:

- 8.5% of the proceeds shall be allocated to the Technological Research Fund of the Republic of Slovenia for technological and research projects;
- 8.5% of the proceeds shall be allocated to the Ecological Research Fund of the Republic of Slovenia for ecological investments;
- 8.5% of the proceeds shall be allocated to the Fund for the Payment of War Compensation for the payment of war compensation and compensation under the Law on the Redress of Injustices;



- 11.5% of the proceeds shall be allocated to the Fund for the Promotion of Rural Development and the Maintenance of Settlement of the Slovene Rural Area for the maintenance of settlement of the Slovene rural area;
- 9.5% of the proceeds shall be allocated to the Small Business Development Fund of the Republic of Slovenia for the development of small business;
- 13% of the proceeds shall be allocated for the restructure of companies and the economy;
- 25% of the proceeds shall be allocated for promoting and crediting exports;
- 6% of the proceeds shall be allocated for investments into the public sector of the economy;
- 2.5% of the proceeds shall be allocated for creating the economic basis for the autochthonous ethnic communities; and
- 7% of the proceeds shall be allocated for the payment of amounts due to entitled persons under the Denationalisation Act.

Funds arising from the proceeds allocated for the restructure of the economy, encouraging and crediting exports, investments in the public sector of the economy and for creating the economic basis for the autochthonous ethnic communities shall be allocated to the earmarked account at the ministry competent for the economy or at the ministry competent for economic relations and development, separately from other budgetary funds.

The competent ministries of the preceding paragraph must keep liquidity surpluses of assets in earmarked accounts in government securities until they are used. The income arising from the management of quick assets shall be deposited in the earmarked accounts from the previous Paragraph.

Regulation on Criteria, Conditions and Procedure of Allocating Funds for Creating the Economic Basis for the Autochthonous National Communities (Official Gazette RS, no. 33/97 and 16/99)

Article 1

This Regulation shall define the criteria, conditions and procedure of allocating funds for creating the economic basis for the autochthonous national communities.

Article 2

Natural persons, members of the autochthonous national communities, and legal entities in the majority ownership of members of an autochthonous national community or founded by a national community shall have the right to compete for the funds from Article 1 for investments in the areas inhabited by members of the autochthonous national communities.

Article 3

Funds for creating the economic basis shall be proportionally divided between the two autochthonous national communities and shall be allocated for investments in

the development of farms, secondary activities on farms, co-operatives, small business, and for the investments in other production and service facilities in economy.

For the purposes from the preceding paragraph, investors may acquire loans from budgetary funds deposited in the earmarked account at the Ministry of Economic Relations and Development and obtained from the funds acquired on the basis of the Act on the Use of Funds Arising from the Proceeds on the Basis of the Act on the Transformation of Company Ownership (Official Gazette RS, no. 45/95).

#### Article 4

Funds for creating economic basis for the autochthonous national communities shall be allocated for a particular project only once.

An investor who won one of the tenders for the promotion of the development of demographically endangered areas in 1991, 1992, 1993 and 1994, may not participate in the public tender for allocating funds under this Regulation with the same projects.

#### Article 5

The project with which the applicant competes for the funds from Article 3 of this Regulation must fulfil the criteria from Article 10 of the Act on the Use of Funds Arising from the Proceeds on the Basis of the Act on the Transformation of Company Ownership (Official Gazette RS, no. 45/95).

#### Article 6

Applicants whose financing sources include at least 15% of their own finances may obtain funds from Article 3 of this Regulation in the form of loans.

Loans for individual types of investments shall be allocated in the amount of at most 60% of the estimated value of the investment.

The interests, period of loan redemption and conditions and time of moratorium shall be determined by the competent minister in the public bid for the allocation of funds for creating the economic basis for the autochthonous public communities.

#### Article 7

When applying for loans under the conditions of Article 6, applicants must submit the following documents:

- application,
- filled out form, business plan or investment programme,
- evidence of paid taxes and duties.

For acquiring a loan up to SIT 2 million, applicants must submit:

- filled out form,
- evidence of paid taxes and duties.

Priority in acquiring funds shall be given to applicants who obtained a positive opinion of the competent regional unit of the agency for the promotion of agriculture,

or a positive opinion of a local centre for the promotion of small business, or of an advisor of a network for the promotion of small business with the licence of the Ministry of Economic Affairs, stating that the investment in the field of small business is economically justified, and who have concluded a contract with a business bank on the approved loan.

## Article 8

Funds for creating the economic basis for the autochthonous national communities shall be provided by the Ministry of Economic Relations and Development on the basis of a public bid at least once per year.

## Article 9

All applications submitted on the basis of the public bid shall be examined by the commission consisting of representatives of the Ministry of Economic Relations and Development, Ministry of Agriculture, Forestry and Food, Ministry of Economic Affairs and the Government Office for Nationalities.

Prior to examining the applications, the Commission shall obtain the opinion of the Coastal Self-governing National Community of the Italian minority and of the Hungarian National Self-governing Community from the Pomurje region on the importance of the proposed projects for the ensuring economic basis for the autochthonous national communities.

## Article 10

Applicants shall attach the following to the applications addressed to the Ministry of the Economic Relations and Development:

(1) For the projects in the field of the development of farms and secondary activities:

Form A from Article 11 of this Regulation; investment programme or business plan; opinion of the competent regional agency for the promotion of agriculture; certificate of the municipal administrative body on the registration of the secondary activity in the case of an investment in secondary activities; location permit or a decision on the registration of the intended works in the case of an investment for which one of these documents must be obtained in accordance with the law.

(2) For projects in the field of the promotion of the development of small business in the area of production and services:

Form B from Article 11 of this Regulation; investment programme correspondingly formulated according to the methodology of the instructions for formulating the investment programme of minor investment projects (Institute for the Economy of Investments, Ljubljanska banka d.d., March 1992), or a business plan; financial construction with documented financing sources (contracts concluded with other investors, if such sources are foreseen) and the time schedule of financing; location permit or a decision on the registration of the intended works in the case of an investment for which one of these documents must be obtained in accordance with the law; opinion of the local centre for the promotion of small business, or of an advisor of a network for the promotion of small business with the licence of the Ministry of Economic Affairs, stating that the investment is economically justified, a concluded contract with a business bank on the approved loan.

(3) For the projects in the field of the promotion on investments in other production and service facilities in the economy:

Form B from Article 11 of this Decree, investment programme formulated according to the methodology published in the manual for formulating investment

programmes (Institute for the Economy of Investments, Ljubljanska banka d.d., 1991) or a business plan; financial construction with documented financing sources (contracts concluded with other investors, if such sources are foreseen) and the time schedule of financing; conclusion of the administering body on the guaranteed own funds for the investment; location permit or a decision on the registration of the intended works in the case of an investment for which one of these documents must be obtained in accordance with the law; opinion of the local centre for the promotion of small business, or of an advisor of a network for the promotion of small business with the licence of the Ministry of Economic Affairs; a concluded contract with a business bank on the approved loan.

#### Article 11

Forms A and B shall be defined by a Decree of the Minister of Economic Relations and Development, and shall be published in the Official Gazette of the Republic of Slovenia.

#### Article 12

The applicants obtaining the funds on the basis of Articles 3 and 6 of this Decree shall conclude a credit contract on the drawing on the funds with the bank with which the Ministry of Economic Relations and Development concludes a contract on operation under authorisation. Upon signing the contract, the users of the loans must submit a contract with an insurance company on the loan insurance or mortgage.

#### Article 13

The Ministry of Economic Relations and Development shall monitor the use of the funds allocated under the public bid through an authorised bank. The investors must enable the Ministry or the authorised bank to supervise the use of the funds by allowing them to control at any time the realisation of the investment and permitting insight into their books of account and instruments relating to the use of the allocated funds.

#### Article 14

Should the Ministry of Economic Relations and Development or the authorised bank find that the funds were not used for the purpose for which they had been allocated or that the funds were alienated in any way, or the loan had been awarded on the basis of false data, it shall have the right immediately to demand from the investor to return in lump sum all the funds not used for the purpose for which they had been allocated. The investor should pay back the funds and the interest on arrears from the date of remittance in accordance with the Law on the Prescribed Interest Rate of the Interest on Arrears (Official Gazette RS, no. 14/92, 13/93 and 45/95) and with the Decree on the Manner of Accounting Interest on Arrears (Official Gazette RS, no. 14/92 and 27/92).

## Article 15

On the day of entering into force of this Regulation, the Regulation on Criteria, Conditions and Procedure for Allocating Funds for Creating the Economic Bases for the Autochthonous National Communities shall terminate