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**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**Initial Periodical Report  
presented to the Secretary General of the Council of Europe  
in accordance with Article 15 of the Charter**

**SLOVENIA**

**REPORT  
BY THE REPUBLIC OF SLOVENIA ON THE IMPLEMENTATION OF THE  
EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

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Ljubljana, March 2002

## PART I

1. The basic legal act in which the provisions of the European Charter for Regional or Minority Languages are implemented is the Constitution of the Republic of Slovenia. Article 11 of the Constitution reads:

The official language in Slovenia is Slovene. In those municipalities where Italian or Hungarian national communities reside, Italian or Hungarian shall also be official languages.<sup>1</sup>

Article 64 (Special rights of the Autochthonous Italian and Hungarian national communities in Slovenia) reads:

The autochthonous Italian and Hungarian national communities and their members shall be guaranteed the right to use their national symbols freely and, in order to preserve their national identity, the right to establish organisations and develop economic, cultural, scientific and research activities, as well as activities in the field of public media and publishing. In accordance with laws, these two national communities and their members have the right to education and schooling in their own languages, as well as the right to establish and develop such education and schooling. The geographic areas in which bilingual schools are compulsory shall be established by law. These national communities and their members shall be guaranteed the right to foster relations with their nations of origin and their respective countries. The state shall provide material and moral support for the exercise of these rights. In order to exercise their rights, the members of these communities shall establish their own self-governing communities in the geographic areas where they live. On the proposal of these self-governing national communities, the state may authorise them to perform certain functions under national jurisdiction, and shall provide funds for the performing of such functions.

The two national communities shall be directly represented in representative bodies of local self-government and in the National Assembly.

The position of the Italian and Hungarian national communities and the manner in which their rights are exercised in the geographic areas where they live, the obligations of the self-governing local communities for the exercise of these rights and those rights which the members of these national communities exercise also outside these areas, shall all be regulated by law. The rights of both national communities and their members shall be guaranteed irrespective of the number of members of these communities.

Laws, regulations and other general acts that concern the exercise of the constitutionally provided rights and the position of the national communities exclusively, may not be adopted without the consent of representatives of these national communities.

The provisions of the Charter are implemented in the acts regulating the fields of education, judiciary, administrative bodies and public services, public media, cultural activities and institutions, business and social life and cross-border exchanges. The solutions in specific fields are shown in detail in Chapter III hereof.

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<sup>1</sup> Constitution of the Republic of Slovenia, Uradni list Republike Slovenije (Official Gazette of the RS), No. 33-1409/91-I of 28 December 1991

It should be mentioned that Article 65 of the Constitution stipulates the protection of the Romany community:

Article 65 (Status and Special Rights of the Romany Community in Slovenia):

The status and special rights of the Romany community living in Slovenia shall be regulated by law.

Slovenia is bound by bilateral agreements in respect of the protection of minorities which are concluded with Italy and Hungary. The Osimo Treaty is binding for Slovenia in respect of the protection of the Italian minority in the part which addresses the issue that each side (Italy and Yugoslavia, viz. Slovenia) “shall apply internal measures which were already adopted in the implementation of the Special Statute (a Special Statute of the Memorandum of Understanding from 1954; author’s note), and that it shall, within the framework of their respective internal law, guarantee an equal level of protection to the members of their respective minorities as provided by the Special Statute, which has ceased to apply”. Following the dissolution of Yugoslavia, Italy recognised Slovenia as one of the successor states. The Osimo Treaty is on the list of agreements which Slovenia succeeded to after the state of Yugoslavia ceased to exist.<sup>2</sup> The provisions on the protection of the Italian minority in Slovenia and the Slovene minority in Italy can be found in the Agreement between the Republic of Slovenia and the Italian Republic in the fields of culture and education. The Agreement was signed in Rome on 8 March 2000; however, it has not been ratified. Pending the ratification of the agreement the Cultural Agreement between the Government of the Federal People’s Republic of Yugoslavia and the Government of the Italian Republic of 3 December 1960 remains in force.

In addition to the Agreement on friendship and cooperation between the Republic of Slovenia and the Republic of Hungary<sup>3</sup>, the protection of the Hungarian national community in Slovenia (and the Slovene national minority in Hungary) is also defined by a special bilateral agreement between the two countries dating from 1992.<sup>4</sup>

What also deserves mentioning is the Agreement between the Government of the Republic of Austria and the Government of the Republic of Slovenia on Cooperation in Culture, Education and Science signed in Ljubljana on 30 April 2001. The provision of Article 15 stipulating that the ministries of both countries will include in their working programmes “the projects for the benefit of wishes and needs of the members of the German-speaking ethnic group in Slovenia, important in terms of culture, education and science (e.g. projects in the fields of language learning and preservation of monuments, scholarships, etc.)” is of significant, perhaps even of vital importance for the development of this group. By mentioning the existence of this group in an international agreement<sup>5</sup>, an additional legal

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<sup>2</sup> Act concerning Notification of succession to the agreements of the former Yugoslavia with the Republic of Italy, including the Osimo Treaty published in the Uradni list RS, No. 40 of 14 August 1992, pp. 127-128.

<sup>3</sup> Agreement on friendship and cooperation between the Republic of Slovenia and the Republic of Hungary (Uradni list RS, MP, No. 6 of 7 May 1993).

<sup>4</sup> Agreement on guaranteeing special rights to the Slovene national minority in the Republic of Hungary and to the Hungarian national community in the Republic of Slovenia. Uradni list RS, MP, No. 6, 1993.

<sup>5</sup> It would not be correct to state that the German-speaking ethnic group was officially recognised by signing the cultural agreement. If we follow the interpretation by F. Capotorti, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, a certain minority may be recognised in various ways: by recognising for it the status of legal person, by adopting special measures for the protection of its identity or by guaranteeing certain rights only. Since the state financially supports cultural activities of German cultural associations (although modestly), the state formally and legally meets at least one of the criteria for the recognition of German-speaking ethnic group. (For the study by F. Capotorti see for instance: Danilo Türk, UN

framework has been created for the protection and development of specific ethnic features of this group.

2. Upon depositing the instrument of ratification of the Charter for Regional or Minority Languages, the Republic of Slovenia informed the Secretary General of the Council of Europe that the Italian and Hungarian languages were regional or minority languages on the territory of the Republic of Slovenia. In addition, Slovenia informed the Secretary General that the provisions from Article 7, Paragraph 1-4 would be applied *mutatis mutandis* to the Romany language. The settlement area of the Italian-speaking community comprises ethnically mixed areas (the settlements are defined in individual municipality statutes) in three municipalities in the Slovene Istria: Koper/Capodistria<sup>6</sup>, Izola/Isola<sup>7</sup>, Piran/Pirano<sup>8</sup> in the western part of Slovenia; the Hungarian-speaking population resides in five municipalities in Prekmurje in the eastern part of Slovenia along the Hungarian border: Hodoš/Hodos<sup>9</sup>, Šalovci<sup>10</sup>, Moravske Toplice<sup>11</sup>, Dobrovnik/Dobronak<sup>12</sup>, and Lendava/Lendva<sup>13</sup>.

3. In the 1991 census (the most recent one) a question was posed “Which is your mother tongue?” - 9240 persons declared their mother tongue to be Hungarian, and 4009 persons declared their mother tongue to be Italian<sup>14</sup>. The subjective principle applies to declaring

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Study on the Rights of the members of minorities. Razprave in gradivo, INV, Ljubljana, 1979, No. 9-10, pp. 13-30).

<sup>6</sup> The Statute of the Municipality of Koper (Official Bulletin, No. 40/2000), Article 7: Slovene and Italian are official languages in the ethnically mixed area of the municipality where the members of the autochthonous Italian national community reside, which comprises the settlements of Ankaran-Ancarano, Barizoni-Barisoni, Bertoki-Bertocchi, Bošamarin-Bossamarino, Cerej-Cerei, Hrvatini-Crevatini, Kampel-Campel, Kolomban-Colombano, Koper-Capodistria, Prade, Premancan-Premanzano, a part of the settlement of Spodnje Škofije (Valmarin), Šalara-Salara and Škocjan-SanCanzano.

<sup>7</sup> The Statute of the Municipality of Izola (Official Bulletin, No. 15/2000) Article 4, Paragraph 3: The Slovene and Italian languages have equal status in public and social life in the ethnically mixed area (bilingual area) which comprises the City of Izola/Isola and the settlements Dobrava and Jagodje.

<sup>8</sup> The Statute of the Municipality of Piran (Official Bulletin, No. 10/1999, Article 3: The Italian language has equal status to the Slovene language in public life in the ethnically mixed area of the municipality where members of the Italian nationality reside, which comprises the settlements of Piran/Pirano, Portorož/Portorose, Lucija, Strunjan, Seca, Secovlje, Parecag and Dragonja (bilingual area).

<sup>9</sup> The Statute of the Municipality of Hodoš (adopted on 14 April 1999), Article 1: The Municipality of Hodoš is a self-governing local community established by law on the territory of the ethnically mixed settlements, where the members of the Hungarian national community reside: Hodoš-Hodos, Krplivnik-Kapornak.

<sup>10</sup> The Statute of the Municipality of Šalovci (Uradni list RS, No. 13/1999), Article 2: A part of the area of the municipality where the members of the Hungarian national community reside is ethnically mixed. The ethnically mixed area of the municipality comprises the settlement of Domanjševci-Domonkosfa.

<sup>11</sup> The Statute of the Municipality of Moravske Toplice (Uradni list RS, No. 11/1999), Article 1, Paragraph 2: Members of the Hungarian national community reside in the settlements of Cikecka vas-Csekefa, Motvarjevci-Szentlászló, Pordašinci-Kisfalu, Prosenjakovci-Pártosfalva and Središče-Szerdahely.

<sup>12</sup> The Statute of the Municipality of Dobrovnik (Uradni list RS, No. 34/1999), Article 2, Paragraph 2: A part of the municipality where the members of the Hungarian national community reside is ethnically mixed. Ethnically mixed area comprises the settlements of Dobrovnik-Dobronak and Žitkovci-Zsitkóc.

<sup>13</sup> The Statute of the Municipality of Lendava (Uradni list RS, No. 26/1999), 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, Centiba-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 of Benica, Hotiza and part of Brezovec.

<sup>14</sup> The German-speaking ethnic group is a group that would be difficult to place in one of these categories. This group has for centuries lived on the territory which is part of the Slovene state. The Hungarian and Italian national communities more or less remained in their autochthonous settlement areas, while the maelstrom of war shaped a different destiny for the German-speaking ethnic group. Its post-war “disappearance” was subject to

one's mother tongue. This principle, which also applies to declaring one's national affiliation, means that census-takers have to enter the reply given by the person interviewed.

4. Slovenia has not specifically defined non-territorial languages.

5. In the adopted model for the protection of national communities, primarily the state and the bodies of local communities are obliged to take care of the protection, promotion and development of the minority languages. Two organisations deserve special mention: the Government Office for Nationalities and the Self-governing National Communities. The Government Office for Nationalities is a state institution, while the Self-governing National Communities act as political bodies of national minorities.

The addresses of the institutions are:

Government Office for Nationalities

Ljubljana Tivolska cesta 50, phone (0)1 430 5400

Director: Janez Obreza

Pomurska madžarska narodna samoupravna skupnost

(Hungarian National Self-governing Community in Pomurje)

Lendava/Lendva, Glavna ulica 124, phone (0)2 575 1449

Chairman: Tomka György

Obalna samoupravna skupnost italijanske narodnosti

(Italian National Self-governing Community in the Littoral)

Koper/Capodistria, Županciceva 39, phone (0)5 627 9150

Chairman: Silvano Sau

Zveza Romov Slovenije

(The Union of Roma of Slovenia)

Murska Sobota, Arhitekta Novaka 13, phone (0)2 534 1710

Chairman. Jože Horvat

6. The Ministry of Foreign Affairs forwarded the draft report of 30 September 2001, together with the European Charter for Regional or Minority Languages, the Explanatory Report and the Instructions for drafting the first report to the following organisations and institutions:

1. Government Office for Nationalities
2. Hungarian National Self-governing Community in the Pomurje
3. Italian National Self-governing Community in the Littoral
4. The Roma Association of Slovenia
5. The mayors of the ethnically mixed municipalities (Koper/Capodistria, Izola/Isola, Piran/Pirano, Hodoš/Hodos, Šalovci, Moravske Toplice, Dobrovnik/Dobronak, Lendava/Lendva)
6. Deputies of the two national communities in the National Assembly of the Republic of Slovenia
7. Ministry of Education, Science and Sport

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the level and scope of its protection in the period after World War Two. Only in the final days before Slovenia's independence, were the signs of revival of the German-speaking ethnic group noticed; this group is not included in the constitutional protection in the same way as the Hungarian and Italian national communities. The international society "Most svobode" (the Bridge of Freedom) which could be hardly defined as the society of the "German minority" (Chairman Dušan L. Kolnik) was officially registered in Maribor on 25 June 1991. The Kocevje Germans have two associations: The Peter Kozler Slovene Gottsche Association with its seat in Ljubljana, officially registered on 19 September 1994, and the Gottsche Germans Association with its seat in Obisce, registered at the Novo mesto Administrative Unit on 11 August 1992.

8. Ministry of Culture
9. Ministry of Justice

with the request to examine the draft report, assess and propose appropriate corrections and amendments. It can be concluded that a wide circle of national minority (language) policymakers took part in drafting the report. The guidance prevailed that drafting the report can be an appropriate moment for the analysis of the existing language policy towards national minorities.

7. The first stage of informing the public, members of the majority nation and members of national communities, on the rights and duties ensuing from the Charter, was carried out by the Slovene state authorities in the process of drafting the present report. The state authorities intend to publish the European Charter translated into the Slovene, Hungarian and Italian languages, together with the present report and material collected during the preparation, in a special publication.

## **PART II**

State signatories to the Charter should, in the implementation of the provisions of the Charter, policies, legislation and practice, follow certain objectives and principles. These principles are laid down in Article 7 of the Charter:

- a) the recognition of the regional or minority languages as an expression of cultural wealth;
- b) the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;
- c) the need for resolute action to promote regional or minority languages in order to safeguard them;
- d) the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;
- e) the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;
- f) the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;
- g) the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;
- h) the promotion of study and research on regional or minority languages at universities or equivalent institutions;
- i) the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.

2. The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.
3. The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.
4. In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.

If we compare the quoted principles and objectives with the model of the protection of national minorities in Slovenia (language policy also being a part of this framework) we can establish that there are many elements in the Slovene model of the protection of national minorities which justify the assertion that regional or minority languages are considered as an important **element of the cultural wealth** of the territories where the national minorities live and in which the minority languages are used. Discrimination on the basis of nationality is forbidden, and insulting national communities is also sanctioned.<sup>15</sup> According to the model of the protection of national communities (minorities), both languages of the national communities (Italian and Hungarian) in the ethnically mixed area have the status of **official languages** (in addition to Slovene). The constitutional provisions abolishing the dichotomy which is often present in the area of the protection of national minorities (differentiation between collective and individual rights) are the important guidance for the national minority policy, including language policy. The starting point for the protection of national minorities is defined in the Republic of Slovenia by the notions of **ethnically mixed area** (an area historically settled by national communities) and a series of **collective rights** (the rights to the use of language in private and public life) recognised by the state **regardless of the number** or the proportion of the speakers of regional or minority languages in the ethnically mixed territory. National communities (minorities) as **objectively existing entities** enjoy collective rights (**among which the main right is the right to use one's language**). It depends on the individuals, on the members of national communities when and to what extent they will exercise the language rights accorded to them. It has to be pointed out that the implementation of language rights of national minorities (communities) directly concerns the members of the majority nation. The members of the majority nation are required to have bilingual documents and to learn the minority language **at school**. Detailed presentation of the implementation of principles and objectives laid down in Chapter II of the Charter is evident from the analysis of implementation of the selected paragraphs and/or subparagraphs, which follows.

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<sup>15</sup> **Penal Code of the Republic of Slovenia** (Uradni list RS, No. 63/1994), Article 176: Insult to Slovene People or the National Communities: Whoever publicly commits any of the offences under Articles 169-171 hereof against the people of Slovenia or against the Hungarian or Italian national communities living in the Republic of Slovenia, shall be punished by a fine or sentenced to imprisonment for not more than one year.



## PART III

1. **Languages:** The Italian and Hungarian languages are regional or minority languages on the territory of the Republic of Slovenia.
2. **Articles**

### Article 8: EDUCATION

Slovenia undertook to use the following paragraphs and/or subparagraphs:

Paragraph 1a (i,ii), b (i,ii,iii), c (i,ii,iii), d (i,ii,iii), e (iii), f (iii), g, h, i.

Paragraph 2.

Slovenia has implemented the undertaken commitments as follows:

In the new constitutional framework, the Republic of Slovenia has maintained the basic objectives of the educational system for the members of national communities, which proved in the post-war period to be the most efficient/appropriate public medium for the **preservation and development of the national identity** of national communities. At the same time, Slovenia actively promoted the **idea of tolerance** for ethnic diversity and peaceful co-existence in the ethnically mixed territory. Both elements are evident from the provisions of the Act regulating the specific rights of the Italian and Hungarian national minorities in the field of education. Article 3 (objectives) reads: “Education in kindergartens and schools offering education in Italian as an instruction language and in bilingual kindergartens and schools in the ethnically mixed areas in addition to objectives stipulated by the provisions in the field of education include also:

- Preserving and developing the Italian or Hungarian language and the culture of the Italian or Hungarian national community,
- Developing language skills and abilities in the first and second language (for the members of national communities the first language is Italian or Hungarian, and the second Slovene),
- Gaining knowledge about the historical, cultural and natural heritage of the Italian or Hungarian national community and their nation of origin,
- Raising awareness of the affiliation with the Italian or Hungarian national community and maintaining and fostering their own cultural tradition,
- Providing education to promote respect for and understanding of the ethnic and cultural diversity, cooperation between members of Italian or Hungarian national community, and developing the ability to co-exist in the ethnically and linguistically mixed area,
- Familiarising people with the situation of the Italian or Hungarian national community in neighbouring countries and establishing ties and contacts with the members and institutions of these communities.”<sup>16</sup>

Two completely different historical situations have **created two different models of education** for members of the national communities: **compulsory bilingual schooling** in the ethnically mixed area of Prekmurje, **and schools which offer single language instruction** for the members of the Italian national communities in the bilingual region of the Littoral. Education for the members of national communities is an integral part of Slovenia’s unified

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<sup>16</sup> Act regulating specific rights of the Italian and Hungarian national community in the field of education. Uradni list RS, No. 35/2001.

educational system<sup>17</sup>. This means, inter alia, that the state is bound to take care of maintaining and developing educational institutions and of their financing, together with the active participation of national communities or their organisations.<sup>18</sup> An important provision of the Act regulating the organisation and financing of education should be mentioned, which states that a “self-governing national community is a co-founder of public kindergartens or schools which are being established with the aim of educating in the language of a national community or bilingually”<sup>19</sup>. Provisions on the participation of the members of national communities (self-governing national communities) in establishing and managing schools in the language of the national community can also be found in the Act governing special rights of the Italian and Hungarian national communities in the field of education in Article 12 (Founding) and Article 13 (Council Composition).

In the bilingual area of the municipalities of Hodoš, Šalovci, Moravske Toplice, Dobrovnik in Lendava, **where the Hungarian national community lives**, education in kindergartens and primary schools is carried out bilingually in both the Slovene and Hungarian languages. These kindergartens and schools are attended by children or students of Slovene and Hungarian nationality. Such a method of work enables the students to learn a second language in addition to their mother tongue and to become familiar with the culture of the other nation. Educational activities are carried out in both languages. When learning the mother tongue and second language, students are divided into groups, which enables them to learn their mother tongue at an advanced level.

There are six **bilingual kindergartens** in the ethnically mixed area of Pomurje. The number of children attending these kindergartens in 2000/2001 school year was the following: 242 children attended the Lendava kindergarten, 26 children attended sections of the kindergarten within the Prosenjakovci bilingual school, 21 children attended two sections of Moravske Toplice kindergarten, and 27 children attended two sections of kindergarten within the Dobrovnik primary school.

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<sup>17</sup> Act regulating specific rights of the Italian and Hungarian national community in the field of education. Uradni list RS, No. 35/2001, Article 2 (inclusion in the system). “Education for the members of the Italian and Hungarian national communities is an integral part of the system of education in the Republic of Slovenia and is carried out on the basis of regulations governing pre-school education, primary schooling, lower and secondary vocational education, vocational and professional training and general secondary education, unless otherwise stipulated by this act”.

<sup>18</sup> Act regulating self-governing national communities (Uradni list RS, No 65/94) Article 4, Item 3.

<sup>19</sup> Organisation and Financing of Education Act (Uradni list RS, No. 12/96, Article 41, Item 4.

In the school year 2001/2002 there were 986 students attending **bilingual primary schools**. 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 - central primary school - affiliated primary school in Gaberje - affiliated primary school in Petišovci - affiliated primary school in Dolina - affiliated primary school in Centiba	687 602 35 10 0 40
2. Bilingual primary school Lendava II (primary school with an adapted curriculum)	40
3. Bilingual primary school Vljaj Lajoš in Genterovci	88
4. Bilingual primary school Dobrovnik	84
5. Bilingual primary school Prosenjakovci - central primary school - affiliated primary school in Domanjševci - affiliated primary school in Hodoš	87 72 8 7
<b>Total:</b>	986

After completing primary school, students may continue their education at the **bilingual secondary school** in Lendava. If 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 payment for tuition is also guaranteed outside the bilingual area.

In the school year 2001/2002, the Lendava bilingual secondary school comprised 17 classes, attended by 287 students: 7 grammar school classes, 6 classes qualifying for the profession of a technician in the field of economics, 1 class qualifying for the profession of a mechanical engineering technician and 3 classes qualifying for the profession of a shop assistant.

The Slovene and Hungarian languages are permanently present in the education process. The material on Hungarian history, culture and geography has been added to the relevant Slovene curriculum. Most textbooks are bilingual. The management of administrative affairs in bilingual schools, as well as relations with the public and the students' parents, are bilingual. Moreover, the documents issued by bilingual educational institutions are bilingual. The Council of Europe rapporteur C ezar B ırzea, who visited Slovenia in November 1995, wrote in his report, that "the Slovene educational system in the ethnically mixed area is unique. This system not only facilitates the implementation of special minority rights in compliance with international standards, but also the manner of guaranteeing these rights. Its guiding principle

is interculturalism, which underlines the real coexistence and double cultural identity of children attending bilingual schools.”<sup>20</sup>

In Slovenia, continuation of education of members of Hungarian nationality in their mother tongue is difficult, since the demographic situation does not facilitate organising university studies in the Hungarian language. The Hungarian language and culture may be studied at the University of Maribor and the University of Ljubljana. Teachers in bilingual kindergartens and bilingual primary schools may also be educated at the University of Maribor. To fulfil other wishes relating to studies, “assistance” must be sought from the universities in Hungary. This possibility is guaranteed in the bilateral agreement on guaranteeing special rights of the Slovene national minority living in the Republic of Hungary and the Hungarian national community living in the Republic of Slovenia, Article 2 (Uradni list RS-MP, No. 6/93). The possibilities for study by members of the Slovene national minority in Hungary or members of the Hungarian national community in Slovenia are also provided for in the Agreement on Cooperation in the Fields of Culture, Education and Science between the Republic of Slovenia and the Republic of Hungary concluded by the two countries in 1992.<sup>21</sup>

The Agreement served as a basis for the preparation of the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Hungary on Mutual Recognition of Certificates and Diplomas signed between the two countries in 1999. Slovenia ratified this Agreement on 10 May 2000, and it was published in the Uradni list RS No. 44/2000.

Cooperation with educational institutions of the nation of origin is provided for by the Act governing special rights of members of the Italian and Hungarian national communities in the field of education. Article 4 of the Act (Cooperation with the institutions of the nation of origin) stipulates: “To implement the objectives laid down in this Act and in compliance with interstate agreements, public kindergartens and schools with the language of instruction of the national community and bilingual kindergartens and schools (hereinafter: kindergartens and schools) cooperate with relevant institutions of the nation of origin in the neighbouring countries”.

In compliance with the constitutional provision on **the implementation of special rights** of national minorities also **outside the ethnically mixed area**, members of the Hungarian nationality have the possibility to learn the Hungarian language in Murska Sobota. A Hungarian language course is organised if at least seven students have applied for the course. This solution is in compliance with the provision of Article 8, Paragraph 2 of the European Charter. In the Act governing special rights of members of the Italian and Hungarian national communities in the field of education, Article 9 deals with learning the language of the national community outside the ethnically mixed area: (courses in the language of a national community outside the ethnically mixed area) “For the students and apprentices who have finished primary school in the language of a national community or bilingual primary school and who enrol in vocational schools, secondary technical or vocational schools or grammar schools outside the ethnically mixed area, such schools must themselves or together with other schools, provide courses in the language of the national community as an optional subject. Courses in the language of the national community shall be provided if at least 5 students or apprentices wish to attend it, and shall be tuition free. A group of students or

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<sup>20</sup> A Programme of Case Studies Concerning the Inclusion of Minorities as Factors of Cultural Policy and Action. Bilingual education in Slovenia. Council of Europe, Strasbourg, 1996, p. 24

<sup>21</sup> Agreement on Cooperation in the Fields of Culture, Education and Science between the Republic of Slovenia and the Republic of Hungary (Uradni list RS, Mednarodne pogodbe/International Treaties) No. 6/1993

apprentices may also consist of students or apprentices studying in different educational programmes in different schools in the same town.”

A single language school system has been formed for members of the Italian national community. Classes in kindergartens, primary and secondary schools are conducted in the Italian language, and it is compulsory to learn the Slovene language.<sup>22</sup> The Italian language is also the language of school management and of communication with parents. Documents issued by schools are bilingual. The teachers and other staff in schools with Italian as the language of instruction include persons whose mother tongue is Italian. The majority of teachers are Slovene citizens, 10% of them are citizens of the Republic of Croatia, and about 4% are citizens of the Italian Republic. Teaching aids are produced in Slovenia, though some are imported from Italy. In the education process, one may also find material published by the EDIT publishing house in Rijeka, which is adapted to the needs of the Italian national community in Slovenia.

In the school year 2000/2001, 264 children attended **kindergartens** with Italian as the language of instruction: 61 children attended the kindergarten within the Dante Alighieri primary school in Izola, 82 children attended La Cocinella kindergarten in Lucija, and 121 children attended the Delfino Blu kindergarten in Koper. Kindergartens have their units in all towns where there are primary schools or their affiliated schools.

Primary 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 affiliated schools. In the school year 2001/2002, altogether 435 students attend schools with Italian as the language of instruction. The number of students in individual schools is given in the table below:

<b>Elementary school</b>	<b>Number of students</b>
1. Dante Alighieri Primary School, Izola	102
2. Pier Paolo Vergerio il Vecchio Primary school, Koper	182
- Main school	140
- Semedela affiliated school	14
- Bertoki affiliated school	12
- Hrvatini affiliated school	16
3. Vincenzo de Castro Primary School, Piran	151
- Main school	61
- Lucija affiliated school	49
- Secovlje affiliated school	36
- Strunjan affiliated school	5
<b>Total:</b>	<b>435</b>

<sup>22</sup> Statute of the Municipality of Koper (Official Bulletin No. 40/2000), Article 111, Paragraph 1: The Slovene language shall be a compulsory subject in all schools for members of the Italian national community in the area of the Koper Municipality.

In the Slovene Istria there are three secondary schools with Italian as the language of instruction: two grammar schools and one secondary vocational school. In the school year 2001/2002, 78 students in 4 classes attend the Antonio Sema Grammar School in Piran, and 67 students in 4 classes attend the Gian Rinaldo Carli Grammar School in Koper. In the school year 2001/2002 there are 133 students in 16 classes attending the Pietro Coppo secondary school in Izola, qualifying for the profession of technician in the fields of economics and commerce, business administration, shop assistant, metalworker and mechanical engineer.

When continuing their education at the university level, students belonging to the Italian national community face similar problems as their Hungarian peers. Italian language and literature may be studied at the Faculty of Arts of the University of Ljubljana and at the Department for Italian language and literature at the Faculty of Education of the University of Ljubljana, with a seat in Koper. The latter may also educate kindergarten and elementary school teachers (for elementary education) for schools with Italian as the language of instruction. Members of the Italian national community may also study at the Universities in Croatia (Rijeka, Pula) or in Italy. Should members of the Italian national community wish to use Italian as the language of education in other, non-linguistic areas, they have to choose a university in Italy. The Agreement on Mutual Recognition of Diplomas, concluded between Slovenia and Italy in 1995<sup>23</sup>, provides a legal framework, which to a great extent simplifies the education of members of the Italian national community at universities in Italy, and, likewise, the education in Slovenia of members of the Slovene national minority in Italy.

Schools with Italian as the language of instruction are not closed-type institutions which would admit only members of the Italian national community. Despite the fact that these schools are in principle intended for education of children of the Italian national community, they may also be attended by non-Italian children. This possibility may be an important factor of development for these schools, which, due to the demographic decline of the Italian national community, will have difficulties in filling the education capacities in the existing schools<sup>24</sup>. Certainly, these schools will have to be competitive in terms of quality with those in which Slovene is the language of instruction. Finally, the important provision in the Slovene model of regulation of the “minority issue” must be stressed once again. According to this provision, the **learning of the language of the national community is compulsory** in educational institutions in the ethnically mixed territory **with Slovene as the language of instruction**<sup>25</sup>. Research results show that such an education model, which provides the members of the majority nation and the members of national communities with at least a receptive knowledge of the language of the other ethnicity, is supported by the greater part of the population of the ethnically mixed area<sup>26</sup>.

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<sup>23</sup> Memorandum of Understanding on Mutual Recognition of Slovene and Italian Diplomas and Professional Titles. Uradni list RS, International Treaties, No. 4/1996

<sup>24</sup> Research conducted in schools with Italian as the language of instruction in Slovenia and Croatia have shown that these schools have approx. 25% of students of Italian nationality or Italian native speakers, 15-20% of children are of Slovene or Croatian origin, whereas with others, statements on national affiliation and mother tongue differ. Bogulin-Debeljuh Loredana: *L'Identità Etnica: Gli Italiani dell' Area Istro-Quarnerina*. Etnia – V, Rovigno. Centro di Ricerche Storiche.1994

<sup>25</sup> **Statute of the Municipality of Koper** (Official Bulletin No. 40/2000, Article 111, Paragraph 2: In all Slovene schools in the ethnically mixed area of the municipality, the Italian language shall be a compulsory subject in all classes.

<sup>26</sup> See, e.g. the results of the research project *Inter-Ethnic Relations and National Identity in the Slovene Istria: (Koper/Capodistria, Piran/Pirano, Izola/Isola): comparative analysis of elements of national identity of the population of the juncture areas of the border regions of Slovenia, Austria, Italy and Hungary (in charge of the project Albina Necak-Lük), Ljubljana, INV, 1996*

## Article 9: THE JUDICIARY

Slovenia has undertaken to apply the following paragraphs and/or sub-paragraphs:

Paragraph 1 a, b, c, d

Paragraph 2 a, b, c

The obligations assumed have been implemented in the following acts:

**Courts Act** (Uradni list RS, No. 19/94), Article 5, stipulates that “in the areas in which the autochthonous Italian and Hungarian national communities live, the business of the court shall also be conducted in the Italian or Hungarian language if a party who lives in that territory uses the Italian or Hungarian language. If a court of higher instance adjudicates on legal remedies in matters tried by a court of lower instance in the Italian or Hungarian language, the decision issued by the court of higher instance shall be issued in translation in the Italian or Hungarian language”.

Provisions on the use of the language of national minorities may also be found in the **Civil Procedure Act**<sup>27</sup>, the **Act Amending the Notary Act**<sup>28</sup>, **State Prosecutor’s Office Act**<sup>29</sup> and the **Criminal Procedure Act**<sup>30</sup>. Finally, there are the provisions on conducting the business of courts in the ethnically mixed areas. This is laid down in the **Court Rules**<sup>31</sup>,

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<sup>27</sup> **Civil Procedure Act** (Uradni list RS, No. 26/1999), Article 104: The parties and other persons involved in the proceedings shall file actions, appeals and other applications in the Slovene language or in the languages of national communities officially used by the court. If a party files a pleading in a language which is not used officially by the court, the court shall act pursuant to Article 108 of the present Act governing the procedure with incomplete pleadings.

<sup>28</sup> **Act Amending the Notary Act** (Uradni list RS, No. 48/94), Article 1: Article 13, Paragraph 2 of the Notary Act (Uradni list RS, No. 13/94) shall be amended as follows: “In the areas in which the Italian and Hungarian languages are spoken officially, the notary shall draw up notarial deeds, in cases when a party uses the Italian or Hungarian language, in both official languages.”

<sup>29</sup> **State Prosecutor’s Office Act** (Uradni list RS, No. 63/94), Article 6: “A State Prosecutor’s Office shall conduct its work in the Slovene language. In the areas in which the autochthonous Italian or Hungarian national community live, state prosecutor’s offices shall also conduct its work in the Italian and Hungarian languages 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.”

<sup>30</sup> **Criminal Procedure Act** (Uradni list RS, No. 63/94) **Article 6:**

- (1) Criminal proceedings shall be conducted in the Slovene language.
- (2) If in accordance with the Constitution the language of the Italian or Hungarian national community is also used as the official language of the court, criminal proceedings may be conducted in the languages of these national communities in the manner defined by law.

**Article 7:** (1) Actions, appeals and other applications shall be filed with the court in the Slovene language.

- (2) In those areas in which members of the Italian or Hungarian national community reside, members of these national communities shall be allowed to file applications in the Italian or Hungarian language if these languages are used as official languages of the court.
- (3) A foreigner who has been deprived of freedom shall have the right to file applications with the court in his/her language; in other cases foreign citizens shall be allowed to file applications in their languages solely on condition of reciprocity.

**Article 9:** (1) Summons, decisions and other writs shall be served in the Slovene language.

(2) Those courts in which the Italian or Hungarian language is in official use shall also serve summons in the Italian or Hungarian language. Court decisions and other writs shall be served in the Italian or Hungarian language only where the procedure is conducted in both official languages. Parties to proceedings may waive having court decisions and other writs served on them in the Hungarian or Italian language. The waiver should be recorded in the minutes.

<sup>31</sup> **Court Rules.** Uradni list RS, No. 17/95, Articles 60-69 (operation of courts in the areas in which the Italian and Hungarian national communities reside)

Chapter 5, under the title “Conducting of business of a court in areas in which the autochthonous Italian and Hungarian national communities reside”. In compliance with these provisions, the courts in the ethnically mixed territories must guarantee the equality of the Italian and Hungarian languages if a party living in this area uses the Italian or Hungarian language. The proceedings before courts may be conducted monolingually if there is only

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Article 60: In the areas in which the autochthonous Italian and Hungarian national communities reside and in which the Constitution and law stipulate the equal use of the Italian or Hungarian language, the courts shall ensure the equality of the Italian or Hungarian language in the proceedings, in compliance with law, if a party to the proceedings, living in this area, uses the Italian or Hungarian language.

Article 61: If there is only one party to the proceeding or if both parties to the proceedings use one language, the proceeding shall be conducted in that language.

If there are two parties to the proceedings, with one using the Slovene language and the other the Italian or Hungarian language, the proceedings are conducted in the Slovene and Italian languages or in the Hungarian language (hereinafter: bilingual proceedings).

The court shall act in the same manner also if the application which instituted the proceedings is drawn up in the Slovene language and the party before the beginning of the proceedings states that it uses the Italian or Hungarian language.

As soon as it is established by the court on the basis of the application with which the party institutes the proceedings, or on the basis of a statement by the party, that the proceedings must be conducted in the Italian or Hungarian language or that bilingual proceedings are required, this shall be recorded in the appropriate record and on the cover of the record (“It.” or “Ma.”).

In case the provisions of the law or court rules stipulate that the proceedings must be conducted in the Italian or Hungarian language and the parties state that the proceedings should be conducted in the Slovene language, the proceedings shall be conducted in the Slovene language.

Such statement by a party must be established by means of the minutes.

Article 62: If the proceedings are conducted only in the Italian or Hungarian language, or if bilingual proceedings are conducted, the court communicates, during the proceedings, with parties to and others involved in the proceedings, in their mother tongue. In case an individual party to the proceedings does not understand the language in which the proceedings are conducted, he/she must be guaranteed interpreting of everything that he/she or others say as well as of the documents and other written evidence.

Article 63: If the proceedings are conducted in the Italian or Hungarian language, the minutes shall be taken down in this language. If there is a party to the proceedings who does not speak the Italian or Hungarian language, his/her testimony or statement shall be recorded in the official language in which the proceedings are conducted.

Article 64: The minutes in the event of bilingual court procedures shall be taken down in the language used by the parties to the proceedings and other involved persons. Each testimony, statement etc. must be interpreted simultaneously and recorded in the Slovene and Italian or Hungarian language respectively.

Article 65: Court decisions in the proceedings, which are conducted in the Italian or Hungarian language and court decisions in bilingual proceedings shall always be issued in the Slovene and Italian languages or Hungarian language respectively. Decisions in both languages are originals and shall be served on the parties in both languages.

Article 66: If the proceedings conducted in the Italian or Hungarian language or in bilingual proceedings, a regular or extraordinary remedy was filed, the court of first instance shall, prior to the submission of records, provide the Slovene translation of the remedy and of the entire record. Higher courts and the Supreme Court of the Republic of Slovenia shall, when deciding on regular or extraordinary remedies, in which the proceedings were conducted by the court of first instance also in the Italian or Hungarian language, issue their decision in translation into the Italian or Hungarian language.

Article 67: The costs incurred by the proceedings conducted in the Italian or Hungarian language, i.e. by bilingual proceedings, shall be covered by the funds allocated for the work of the court and shall not be borne by the parties.

Article 68: The ministry responsible for justice shall organise the training of judges and court staff for conducting bilingual proceedings. Bilingual proceedings may be conducted only by a judge or a professional, who has successfully passed a special exam in Italian or Hungarian before a board of examiners at the ministry responsible for justice, or if the candidate holds a university degree in Italian or Hungarian language or if he/she is registered in the list of permanent court interpreters for one of either languages. At courts which have no judges with good command of the Italian or Hungarian language, bilingual proceedings shall be conducted with the assistance of a court interpreter. The provisions hereof shall also apply to court staff participating in bilingual proceedings.

Article 69: The bonus for the qualifications of the judge and of court staff for conducting bilingual proceedings shall be determined by the Judicial Council.



one party involved or if both parties to the proceedings use the same language (the proceedings may be conducted only in the Italian or Hungarian or Slovene language); in case the proceedings involves parties one of which uses the Slovene language and the other the Italian and/or Hungarian language, the proceedings shall be conducted in the Slovene and/or Hungarian language (bilingual proceedings). During the proceedings, interviews with parties are carried out in their mother tongue. The same principle shall apply for the taking down of the minutes: if proceedings are conducted in the Italian and/or Hungarian language, the minutes shall be taken down in this language. The minutes in bilingual proceedings shall be drawn up in the language used by the parties to and others involved in the proceedings. Each allegation, testimony or statement must be translated simultaneously and taken down in the Slovene and/or Italian or Hungarian language. Regardless of whether the proceedings were monolingual or bilingual, court decisions shall always be issued in the Slovene and Italian and/or Hungarian languages. Last but not least, higher courts and the Supreme Court of the Republic of Slovenia, when deciding on regular or extraordinary remedies, in which the court of first instance conducted the proceedings also in the Italian and/or Hungarian language, must have their decisions translated into the Italian and/or Hungarian language. All costs arising from bilingual dealings are charged to the account of the means allocated for the work of the courts and cannot be charged to the parties. Bilingual proceedings may be conducted only by a judge or professional who has passed a special exam in Italian or Hungarian. The provisions shall also apply to the court staff participating in bilingual proceedings. Qualification for conducting bilingual proceedings shall be awarded with a special bonus<sup>32</sup>.

## **Article 10: ADMINISTRATIVE BODIES AND PUBLIC SERVICES**

Slovenia has undertaken to apply the following paragraphs:

- Paragraph 1
- Paragraph 2
- Paragraph 3
- Paragraph 4
- Paragraph 5

The comparison between the obligations assumed by Slovenia and Slovenia's regulatory framework may be made in different ways. We have chosen the following structure.

### **a. Bilingual signposts**

The first (visible) indicator of the implementation of the right to the free use of language are the stipulations concerning visible bilingualism in toponymy, signboards, announcements, notices, warnings etc. In the ethnically mixed area, the provisions on bilingualism are implemented without any numerical limitations. Provisions on bilingualism may be found

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<sup>32</sup> The use of the language of national minorities may be found in some municipal statutes:

Statute of the Municipality of Koper (Official Bulletin No. 40/2000), Article 112: In the ethnically mixed area of the municipality, criminal and other proceedings shall be conducted bilingually in compliance with the law. Proceedings involving several parties of both ethnicities, shall be conducted in the Slovene or Italian language or bilingually. State authorities, local self-government bodies, and other municipal authorities, courts and other bearers of public authority issuing legal and other documents in proceedings determined by law, must issue these documents to members of the Italian national community in both languages, and to other citizens if they so request.

In cases stated in the previous paragraph, both documents shall be considered as originals.

both in national legislation<sup>33</sup> as well as in municipal regulations<sup>34</sup>. It is particularly interesting and important that members of national communities<sup>35</sup> participate actively in the process of determining bilingual names of settlements and streets.

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<sup>33</sup> **Regulations on Determining the Names of Settlements and Streets and on the Marking of Settlements, Streets and Buildings** (Uradni list SRS, No. 11/80) Article 25: "In the areas populated by both Slovene people and members of the Italian and/or Hungarian national community, the names of settlements and streets on signs shall be written in both languages. The Slovene name shall be written above and the name in the language of the national community below. Both inscriptions shall be of the same size."

<sup>34</sup> **Municipality of Koper/Capodistria**: Decree on the Public Implementation of Bilingualism in the Ethnically Mixed Area. Official Bulletin, 22/1998 (30 June 1998), Article 6, Paragraph 4: "All inscriptions on signposts, signboards, additional traffic signs, destination boards, official designations of streets, public passenger transport of stations and stops (bus, taxi, rail, maritime and other transport) and in urban public transport vehicles shall be bilingual except names of settlements and other geographic terms, which are not in the ethnically mixed area."

**Statute of the Municipality of Koper** (Official Bulletin 40/2000), Article 117: Public inscriptions in the ethnically mixed area shall be bilingual. Announcements on notice boards of state authorities, municipal authorities and other local self-governing communities and holders of commercial and other public services shall also be bilingual.

Article 118: In conducting their business, municipal administration and other municipal authorities as well as local self-governing community authorities, public enterprises and institutions, holders of public authority, shall use the names of towns and streets in the ethnically mixed area in the Slovene and Italian languages.

**Municipality of Izola**: Decree on the Implementation of Bilingualism in the ethnically mixed area in the Izola Municipality (Official Bulletin 3/2001)

**Statute of the Municipality of Piran** (Official Bulletin 10/1999), Article 75: "Public inscriptions in the ethnically mixed area shall be bilingual".

**Statute of the Municipality of Lendava** (Uradni list RS, No. 26/1999), Article 71: "In the ethnically mixed area, sign boards designating settlements, street, announcements, notices and warnings as well as other public signs shall be bilingual. In the ethnically mixed area, all municipal and state authorities, enterprises, economic organisations, private businesses, public institutions, associations and other organisations and communities must have bilingual signboards. The bilingual signs must guarantee the equal appearance of both languages.

**Statute of the Municipality of Moravske Toplice** (Uradni list RS, No. 11/99), Article 89: "In the ethnically mixed area, signboards designating settlements, streets, announcements, notices and warnings and other public signs shall be bilingual. In the ethnically mixed area, all municipal and state authorities, enterprises, economic organisations, private businesses, public institutions, associations and other organisations and communities must have bilingual signboards. The bilingual signs must guarantee the equal appearance of both languages."

**Statute of the Municipality of Šalovci** (Uradni list RS, No. 13/99), Article 60: "In the ethnically mixed area, signboards designating settlements, street, announcements, notices and warnings and other public signs shall be bilingual. In the ethnically mixed area, all municipal and state authorities, enterprises, economic organisations, private businesses, public institutions, associations and other organisations and communities must have bilingual signboards. Bilingual signs must guarantee the equal appearance of both languages."

**Statute of the Municipality of Hodoš** (Uradni list RS, No. 47/1999), Article 62: "On the territory of the municipality, signboards designating settlements, street, announcements, warnings and other public signs shall be bilingual. In the ethnically mixed area, all municipal and state authorities, enterprises, economic organisations, private businesses, public institutions, associations and other organisations and communities must have bilingual signboards. The bilingual signs must guarantee the equal appearance of both languages."

**Statute of the Municipality of Dobrovnik** (Uradni list RS, No. 34/99), Article 88: "In the ethnically mixed area, sign boards designating settlements, streets, announcements, notices and warnings as well as other public signs shall be bilingual. In the ethnically mixed area, all municipal and state authorities, enterprises, economic organisations, private businesses, public institutions, associations and other organisations and communities must have bilingual signboards. The bilingual signs must guarantee the equal appearance of both languages."

<sup>35</sup> **Act Determining the Names of Settlements, Streets and Buildings and the Registering Thereof** (Uradni list SRS, No. 8/80), 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 settlements. In the area populated by Slovene people and members of the Hungarian and/or Italian national community, Self-management Interest Communities for Education and Culture of the relevant national community shall participate in the decision-making process from the foregoing paragraph." See also: **Statute of the Municipality of Koper** (Official Bulletin) 40/2000, Article 104, Indent 1: "The Council of the Self-management National Community shall, through the members of the Municipal Council – representatives of the Italian national community – give consent to the following documents: - on the naming settlements, streets and markets in the ethnically mixed areas of the municipality;"

Statute of the Municipality of Piran. Official Bulletin No. 10/1999, Article 66

Statute of the Municipality of Lendava. Uradni list RS, No. 26/1999, Article 77

## b. The use of the language of national minorities in state administration

The use of the language of national minorities in **administrative procedures** is governed by the General Administrative Procedure Act, Chapter IV (language in a procedure)<sup>36</sup> which stipulates that in the area of the municipalities, in which, in addition to the Slovene language, also the Italian or Hungarian language are used as an official language, administrative procedure shall be conducted in the Slovene language and in the language of the national community, if a party files a request in this language, on the basis of which the proceedings are instituted or at the request of a party at any time during the procedure.

Furthermore, the use of language refers to the right of the members of minorities to use their own language, in oral or written form, in conducting business with administrative authorities, the judiciary or other public institutions and to receive relevant replies in the language of the minority. The language of a national minority acquires true value when it **acquires the status of official language**. Such a solution is recognised in the Slovene Constitution<sup>37</sup>. And, naturally, when the use of language is not numerically limited. Rare are the cases when exercising a series of special minority rights (or some of them) is not numerically limited, as stipulated by the Slovene legal order (Article 64 of the Slovene Constitution). In addition to fulfilling the obligation to protect national characteristics of the national communities another important issue concerning the right to use the languages of the national communities is the use of **personal names and surnames** in their original form<sup>38</sup>.

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Statute of the Municipality of Šalovci. Uradni list RS, No. 13/1999, Article 66

Statute of the Municipality of Moravske Toplice. Uradni list RS, No. 11/1999, Article 95

Statute of the Municipality of Hodoš. Uradni list RS, No. 47/1999, Article 68

<sup>36</sup> **General Administrative Procedure Act** (Uradni list RS, 80/1999) Chapter IV (language in procedures), Article 62: 1. Administrative procedure shall be conducted in the Slovene language. In this language, applications shall be filed, decisions shall be issued, decrees, minutes, official notes and other written documents shall be drawn up, and all procedural acts shall be conducted in this language.

2. In the area of the municipalities, where administrative authorities conduct business in the Slovene language and also in the Italian or Hungarian language as official language (hereinafter: language of the national community), administrative procedure shall be conducted in both the Slovene language and the language of the national community if a party files a request in this language, on the basis of which the procedure is initiated or at the request of a party at any time during the procedure.

3. If the procedure involves parties who did not demand that the procedure be conducted in the language of the national community and in a manner as described in the foregoing paragraph, the procedure shall be conducted in the Slovene language and in the language of the national community.

4. When an authority in the area of municipalities – in which, apart from the Slovene language also the language of a national community is used as official language – adopts a decision without previous hearing of the party, the decision shall be issued in the Slovene language and in the language of the national community, and oral decision shall be given in the language understood by the party.

5. In procedures conducted before authorities outside the area in which the Italian and Hungarian languages are also used as official languages, members of the Italian and Hungarian national communities have the right to use their own language.

<sup>37</sup> The Constitution of the Republic of Slovenia, Article 11: “The official language in Slovenia is Slovene. In those municipalities where Italian or Hungarian national communities reside, Italian or Hungarian shall also be official languages.”

<sup>38</sup> **Personal Name Act** (Uradni list SRS, No. 2/87), Article 3: “The personal name of a member of the Italian or Hungarian nationality shall be recorded in the Italian or Hungarian script and form, unless otherwise decided by a member of this nationality.”

**Statute of the Municipality of Koper** (Official Bulletin, No. 40/2000), Article 108: State authorities, municipal administration authorities and other municipal and local self-governing community authorities, public enterprises and institutions as well as other legal and natural persons performing their activities in the ethnically mixed area, must (...) – in conducting business with clients, take into account and make use of the original forms of surnames and names of members of the Italian national community (...)

**Statute of the Municipality of Piran** (newspaper *Primorske novice*), Official Bulletin No. 10/1999, Article 77: “Everyone must take into account the original form of the personal name of a member of the Italian national community and must not change it in writing.”

**Public Administration Act** (Uradni list RS, No. 67/94), Article 4, stipulates that the administration shall conduct business, procedures and issue legal and other documents in Slovene or in the language of the national community, if the person concerned residing in such an area uses Italian and Hungarian, respectively. Where in the initial stage the administrative body has conducted a procedure in Italian and Hungarian, respectively, any decision at the second instance shall be issued in the same language. **State Employees Act** (Uradni list RS, No. 15/90), Article 5, Paragraph 4, stipulates that good command of the Slovene language is a prerequisite for the employment of senior civil servants, civil servants, and for those members of specialised staff and technical assistants who have direct contact with parties; in areas where the equality of the Italian or Hungarian language is provided by law, the knowledge of the languages of these nationalities is also required. The knowledge of languages of national communities is allocated an additional financial bonus<sup>39</sup>.

The right of deputies of national communities to the use of their language in the National Assembly and of Councillors, representatives of national communities in municipal councils, might be considered as a special right to use the language of minorities in administration. In compliance with the Standing Orders of the National Assembly (Article 5, Paragraph 2), the deputies of the national communities have the right to “speak and to table motions, petitions, questions and other submissions in the Italian or Hungarian language. Their speeches and applications shall be translated into the Slovene language.”<sup>40</sup> A similar provision shall apply for the verbatim records of the National Assembly sessions: “Debates of deputies of the Italian or Hungarian national communities in the Italian or Hungarian languages shall be entered into the session records in their language together with a Slovene translation.”<sup>41</sup> In

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**Statute of the Municipality of Lendava** (Uradni list RS, No. 26/1999), Article 70:“(…) in conducting their work, they must take into account official surnames and names of members of the Hungarian national community.”

**Statute of the Municipality of Hodoš** (Uradni list RS, No. 47/1999), Article 61: “Municipal authorities and all public services conduct their business in the area of the municipality in the Slovene and Hungarian languages. In their work, they must take into account official surnames and names of members of the Hungarian national community.”

<sup>39</sup> 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 bodies and administrative units, Uradni list RS, no. 82/94), Article 10: “In the area of local communities in which both the Italian and the Hungarian national communities reside, the basic salary shall be increased for those positions for which the Act on internal organisation and systemisation prescribes knowledge of the language of the national community, i.e. 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.

The Municipality of Lendava: Rules on Salaries of Municipal Officials and Rewards to the Members of Municipal Council Working Bodies and to Members of other Municipal Authorities and on Reimbursement of Expenses (Uradni list RS, No. 28/1999), Article 3, Paragraph 2: “The mayor is entitled to a bilingual bonus in the amount of 20 % of the basic salary, provided he/she has active knowledge of the language of the nationality and uses it in his/her work”.

<sup>39</sup> 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 bodies and administrative units, Uradni list RS, no. 82/94), Article 10: “In the area of local communities in which the Italian and the Hungarian national communities reside, the basic salary shall be increased for those positions for which the Act on internal organisation and systemisation prescribes knowledge of the language of the national community, i.e. 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.

Municipality of Lendava: Rules on Salaries of Municipal Officials and Rewards to the Members of Municipal Council Working Bodies and to Members of other Municipal Authorities and on Reimbursement of Costs (Uradni list RS, No. 28/1999), Article 3, Paragraph 2: “The mayor shall be entitled to a bilingual bonus in the amount of 20% of the basic salary, if he has active knowledge of the language of the national community and uses it in his daily work”.

<sup>40</sup> Standing Orders of the National Assembly. Uradni list RS, 40/93, Article 5/2

<sup>41</sup> Standing Orders of the National Assembly. Uradni list RS, 40/93, Article 321/2

the ethnically mixed municipalities, provisions on the use of the Italian and Hungarian language respectively in conducting business of municipal councils are laid down in the statutes and/or municipal council rules of procedure.

### c. Bilingual documents

The use of language by the national communities is also guaranteed in some other main acts: in the **Register of Births, Marriages and Deaths Act**<sup>42</sup>, **Personal Identity Card Act**<sup>43</sup> and **Passports of Citizens of the Republic of Slovenia Act**<sup>44</sup>. Bilingual documents are compulsory for the population on an ethnically mixed territory regardless of their national origin. In addition to the identity card (the form is trilingual: Slovene/Italian-Hungarian/English) and passports (the passport is quadrilingual: Slovene/Italian – Hungarian/English/French) and passes for crossing the border in the border areas with Italy and Hungary, driving licences and certificates of registration, health insurance cards and weapons certificates are also bilingual. The use of national minority languages in issuing army service booklets is different. On the basis of Article 2 of the **Army Service Booklet Rules** (Uradni list RS, No. 16/1996) “a national serviceman, member of the Italian or Hungarian national community shall be issued an army service booklet in a bilingual form, if he so requires”. Call-ups for national servicemen and owners of civil means (agricultural machinery, transport means included in the list of the Ministry of Defence) are also bilingual.

The provision that a record in the national community language must take into account the rules of writing of the Hungarian and Italian script, respectively, is part of the inherent right of members of the national communities to use their mother tongue.

The provision contained in the National Census Act for 2001 also falls within the scope of bilingual operations in state bodies. This provision stipulates that “in municipalities in which members of the Italian or Hungarian national community live, a certain number of members of the regional census commissions, local instructors and those conducting the census shall be chosen among members of the self-governing national communities at the proposal of the relevant national community with the knowledge of Italian or Hungarian language. For conducting census in municipalities in which members of the Italian or Hungarian national community live, an adequate number of census questionnaires shall be available in the Italian or Hungarian language”.<sup>45</sup>

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<sup>42</sup> Register of Births, Deaths and Marriages Act (Uradni list RS No. 2/87) Article 30, Paragraph 2: “In the areas in which members of the Italian or Hungarian national communities live, registrars shall also issue extracts and certificates from the Registers of Births, Marriages and Deaths in the Italian and Hungarian languages, respectively”.

<sup>43</sup> Personal Identity Card Act (Uradni list RS No. 75/97, 5 December 1997) 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 members of autochthonous Italian or Hungarian national community live together with members of the Slovene nation.

<sup>44</sup> Passports of Citizens of the Republic of Slovenia Act (Uradni list RS, No. 65/2000) Article 13: “Passport and visa forms shall be printed in Slovene, English and French, and also in Italian or Hungarian in the areas determined by statute in which members of the autochthonous Italian or Hungarian national community live together with members of the Slovene nation.”

<sup>45</sup> 2001 Census, Households and Apartments in the Republic of Slovenia Act. Uradni list RS, No. 66/2000, Article 21

#### **d. Bilingual business in municipal administration**

The use of national community languages at the municipal level may be dealt with from different angles. It may be dealt with: as an issue of bilingual inscriptions; from the aspect of bilingual business in municipal administration in ethnically mixed municipalities; as a right of elected representatives of national communities to use their own language in municipal councils, commissions and committees; and finally as a right of members of the national communities to use their mother tongue in local community bodies. The provisions on the use of national community language in such areas may be found in the municipal statutes and/or rules of procedure of municipal councils and in the relevant municipal decrees. Therefore there is no need to repeat them here. It has to be mentioned, however, that in certain municipalities in the ethnically mixed areas special instructions on the use of national community languages have been adopted, e.g. in Koper/Capodistria<sup>46</sup> and Izola/Isola<sup>47</sup>.

Conducting business bilingually is connected with additional funds provided from the state budget.<sup>48</sup> The most important remark made in the replies of municipal administrations from the ethnically mixed areas is that the state budget does not guarantee funds in the amount required for bilingual business in municipal administrations.

#### **Article 11: MEDIA**

Slovenia has undertaken to apply the following paragraphs and subparagraphs:

Paragraph 1 a (i), e (i)

Paragraph 2

Paragraph 3

How have the adopted provisions been applied in Slovenia?

To discuss the right to provide information for members of the national communities means to address at least three problem clusters: firstly, possibilities of national communities to provide and disseminate information about themselves and about the environment in which they live in their own language; secondly, the presence of issues relating to the national communities in the media using the language of the majority nation; and lastly, the issue regarding the possibilities of free reception of information in the language of a national community from the country inhabited by the majority of the nation to which the national community “belongs”, and, consequently, the possibilities of transmitting information created by the national community into that country.

For the implementation of the above framework, legal provisions alone are usually not sufficient. They only represent the framework to be complemented by professionalism and the ability of information providers to place information in the media environment of their own national community and of the majority nation. Certainly, a relevant legal basis is essential for

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<sup>46</sup> Instructions on the use of the Italian language by municipal administration bodies in conducting business with citizens. Municipality of Koper, 15 October 2001, No. K0052-6/01.

<sup>47</sup> Decree on implementing bilingualism in the ethnically mixed area in the Municipality of Izola. Official Bulletin, No. 3/2001 (15 February 2001).

<sup>48</sup> Law on the Financing of Municipalities (Uradni list 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 national communities”.

the development of the media environment. In the **Mass Media Act** (Uradni list RS, No. 35/2001), the Republic of Slovenia has undertaken, *inter alia*, to support the mass media in the dissemination of programming important to “the exercise of the right of citizens of the Republic of Slovenia, Slovenes around the world, members of the Slovene communities in Austria, Hungary and Italy, **the Hungarian and Italian national communities in Slovenia, and the Romany community living in Slovenia** to have access to public information and to be informed in general”<sup>49</sup>. The Act further stipulates that programming must be disseminated in Slovene; “if programming is intended for the Hungarian or Italian national communities, publishers may disseminate the programming in the language of the national community”<sup>50</sup>. A similar provision applies to the publishing of advertising material, which must be disseminated in Slovene. The mass media “of the Hungarian and Italian national communities may publish advertisements in the language of the national community”<sup>51</sup>. In the Mass Media Act, provisions relating to the Italian and Hungarian national communities may also be found under the title “Slovenian audio-visual works”, where it is stated that “under the present act Slovenian audio-visual works are works produced originally in Slovene or works intended for the Hungarian and Italian national communities in the language thereof, and works of Slovenian cultural origin from other areas of the arts”<sup>52</sup>. The public service of producing and disseminating national radio and television programmes “in the public and cultural interest of the Republic of Slovenia, including radio and television programmes of the Italian and Hungarian national communities and other programmes in accordance with a separate act, shall be carried out by the public institution Radiotelevizija Slovenija (RTV Slovenija)”<sup>53</sup>. At this point, it may be relevant to mention international legal obligations of the Republic of Slovenia deriving from bilateral agreements. Provisions relating to mass media and national communities may be found in the Special Statute of the Memorandum of Understanding from 1954<sup>54</sup>, and in a special agreement on the protection of national minorities between the Republic of Hungary and the Republic of Slovenia<sup>55</sup>.

The area of radio and television activities performed as a public service is governed by the **Radiotelevizija Slovenija Act**. According to this Act, the public service is, (*inter alia*, note M. K.), defined as creating, producing and broadcasting of “one radio and television channel for the Italian national community and one radio and television channel for the Hungarian national community (hereinafter national community channels)”<sup>56</sup>. By shaping this programme, the RTV Slovenija guarantees “the fulfilment of constitutional rights of the Italian and Hungarian national communities with regard to public radio and television communication, establishing ties between the national community and the nation of origin and incorporation of cultural and other achievements of the Italian and Hungarian nations into

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<sup>49</sup> Mass Media Act (Uradni list RS, No. 35/2001), Article 4, Paragraph 1

<sup>50</sup> Mass Media Act (Uradni list RS, No. 35/2001), Article 5, Paragraph 4

<sup>51</sup> Mass Media Act (Uradni list RS, No. 35/2001), Article 51, Paragraph 2

<sup>52</sup> Mass Media Act (Uradni list RS, No. 35/2001), Article 68, Paragraph 1

<sup>53</sup> Mass Media Act (Uradni list RS, No. 35/2001), Article 76, Paragraph 1

<sup>54</sup> Special Statute (Annex II) of the Memorandum of Understanding (1954), Item 4a: “(...) the ethnic groups (the Italian group in Yugoslavia and the Yugoslav in Italy, note M. K.) shall have the right to their own press in their own mother tongue.”

<sup>55</sup> Agreement on Guaranteeing Special Rights of the Slovene National Minority in the Republic of Hungary and the Hungarian National Community in the Republic of Slovenia (Uradni list RS, No. 6/93), Article 5: “The signatories recognise the right of the minorities to information in their own language in the press, on radio and on television. To this end they shall guarantee to the minorities their own information activities and their development. They shall support the free flow of information in the languages of the minorities and cooperation between the minority mass media and those of the majority nations.

The signatories shall ensure the reception of local radio and TV stations, as well as radio and TV channels of the nation of origin, and for regular and appropriate time slots for radio broadcasts in the mother tongue”.

<sup>56</sup> Radiotelevizija Slovenija Act (Uradni list RS, 18/1994), Article 3, Paragraph 1

the national community channels”<sup>57</sup>. This activity is guaranteed by RTV Slovenija “through its units based in Maribor, Koper and Lendava and through the local channels of Murski Val based in Murska Sobota (...)”<sup>58</sup>. The national community channel must be received on at least 90% of the territory inhabited by the Italian and Hungarian national communities. The production of RTV Slovenija, co-production and commissioned production of informative, cultural, educational and entertaining programmes must comprise “at least two hours daily for a national community radio programme and at least 30 minutes for a national community television programme”<sup>59</sup>. If a national community channel or a part of the national community channel are to be created by another RTV organisation or producer, this may be done only by the consent of the channel board of the national community channel”<sup>60</sup>. A part of the funds for the creation, production, broadcasting, transmission and dissemination of national community channels is provided in the state budget. Members of the national communities (the Italian and Hungarian) are also represented on the Board of RTV Slovenija, each by one representative. The Board of RTV Slovenija is competent to appoint and dismiss directors of national community channels and one third of members of channel boards of national community channels. Channel boards for national community channels are central bodies that actively participate in implementing the obligations of RTV Slovenija in the field of providing information for national communities. The composition and competencies of this body are laid down in Article 22 of the RTV Slovenija Act<sup>61</sup>.

Detailed provisions on the work of national community channel boards may be found in the Articles of Association of RTV Slovenija, which is also provided for in Article 26 of the RTV Slovenija Act.

The radio and television stations in the Italian language (similarly as applies to programmes in the Hungarian language) operate within the national radio and television network<sup>62</sup>. It may be relevant to describe the place, status and the extent of autonomy of the national community channels within this indisputably important media institution. Two channels headed by two

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<sup>57</sup> Radiotelevizija Slovenija Act (Uradni list RS, 18/1994), Article 3, Paragraph 2

<sup>58</sup> Radiotelevizija Slovenija Act (Uradni list RS, 18/1994), Article 3, Paragraph 3

<sup>59</sup> Radiotelevizija Slovenija Act (Uradni list RS, 18/1994), Article 6, Paragraph 1

<sup>60</sup> Radiotelevizija Slovenija Act (Uradni list RS, 18/1994), Article 6, Paragraph 5

<sup>61</sup> Radiotelevizija Slovenija Act (Uradni list RS, 18/1994), Article 22: The Board of RTV Slovenija shall appoint channel boards for national community channels (hereinafter: Channel Board).

The self-governing national communities in Slovenia shall appoint two thirds of the members of the Channel Board for a period of four years and with the possibility of re-appointment.

The Channel Board shall give its consent to the appointment of a responsible editor for the national community channel and to the extent and programme concept of the channel.

The Channel Board shall discuss the implementation of the programme concept, comments and suggestions of the viewers and listeners, give its initiatives to the Board of RTV Slovenija with regard to the solving of certain issues connected to the national community channel and perform other duties defined in the Articles of Association.

RTV Slovenija shall make public the views of the Channel Board connected to issues concerning the national community channel.

<sup>62</sup> Articles of Association of the Public Institution RTV Slovenija (Uradni list RS, No. 66/95), Article 9: RTV Slovenija includes the following units: the Regional RTV Centre Koper-Capodistria/Centro Regionale RTV Koper-Capodistria

Article 18: “The TV channel Koper-Capodistria and the Radio channel Koper-Capodistria are joining to form the Regional RTV Centre Koper-Capodistria which shall create, produce and broadcast the RTV programme in Slovene, the RTV programme for the Italian national community, the RTV programme for the Slovene minority in Italy and produce broadcasts for the national RTV programmes”.

Article 19: “The RTV programmes referred to in the preceding article shall be produced by the editors of the regional RTV programme and the editors of the Italian RTV programme. (...)

The production of the RTV programme in the Italian language shall be coordinated by the director and the editors responsible for the programmes for the Italian national community.”



directors operate within the RTV Slovenija to cover national community channels<sup>63</sup>. The proposal for the appointment of a director of national community channels is made by a channel board of the national community channel, which also gives consent to the appointment of responsible editors of national community channels<sup>64</sup>. One of the special requirements for the position of a responsible editor is that the candidate must have good command of the Italian and Hungarian language for the position of a responsible editor of the Italian and Hungarian channels, respectively<sup>65</sup>. Important institutions within the national radio and television are also the channel boards of national community channels: 1. Channel board for radio and television channels for the Italian national community; 2. Channel board for radio and television channels for the Hungarian national minority. The two boards have a wide range of activities with competencies similar to those of the elected representatives of national communities in the legislative<sup>66</sup>. The assurance that the channel board will represent the legitimate interests of national communities is laid down in Article 54 of the Articles of Association of the Public Institution RTV Slovenija. The channel boards shall be established by the Board of RTV Slovenija. They consist of seven members, of whom five are appointed by self-governing national communities and two are appointed directly by the Board of RTV Slovenija.

The first step towards informing the members of the **Hungarian national community** in their mother tongue was made in 1956 when a supplement in the Hungarian language entitled “Népújság” was added to the local newspaper Pomurski vestnik. Since 1958 Népújság has been published as a weekly independent. It is printed in some 2000 copies, and there are about 1600 subscribers. Every year (since 1960) the editors also prepare an almanac entitled Naptár. In 1986 the first edition of a special literary and cultural supplement to the weekly Népújság was published entitled “Muratáj”, which in 1988 became an independent literary magazine under the same name. The publisher of all these publications is the “Institute for Information Services of the Hungarian National Community”, which was founded in 1993. The results of survey carried out in 1996<sup>67</sup> show that most readers are members of the Hungarian national community, only some 10% of regular readers are from the majority nation, and an additional 9% stated that they read the Hungarian language papers from time to time.

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<sup>63</sup> Articles of Association of the Public Institution RTV Slovenija (Uradni list RS, No. 66/95), Article 40: “The programme directors are senior officers of RTV Slovenija for the areas of radio and TV channels. RTV Slovenija shall have channel directors for the following programming areas: for the TV channels of RTV Slovenija; for the radio channels of RTV Slovenija; for the TV and radio channel for the Italian national community; for the TV and radio channel for the Hungarian national community”.

<sup>64</sup> Articles of Association of the Public Institution RTV Slovenija (Uradni list RS, No. 66/95), Articles 41 and 47

<sup>65</sup> Articles of Association of the Public Institution RTV Slovenija, (Uradni list RS, No. 66/95), Article 48

A similar provision may also be found in Article 19, Paragraph 1 of the Mass Media Act (Uradni list RS, 35/2001) stating that: a responsible editor may be any person who (...) possesses a certificate of active knowledge of Hungarian or Italian in the event that the mass medium involves the Hungarian or Italian national community.

<sup>66</sup> Articles of Association of the Public Institution RTV Slovenija, (Uradni list RS, No. 66/95), Article 53: The channel boards deal with the implementation of programming concepts; authorise the scope and programming concept of the national community channel; deal with comments and suggestions of viewers and listeners where those relate to the national community channels; offer initiatives to the Board of RTV Slovenija for discussing issues relating to the national community channels; deal with initiatives, opinions and proposals of journalists and editors relating to the production and broadcasting of national community channels; propose the appointment and discharge of the director responsible for the national community channels; give their consent to appointment and discharge of the editor responsible for the national community channel; deal with other national community channel issues.

<sup>67</sup> Interethnic relations and national identity in the town of Lendava/Lendva: a comparative analysis of national identity elements of the population in contact areas of the border regions of Slovenia, Austria, Italy and Hungary. Ljubljana, INV 1996 (person in charge of the project: Albina Necak-Lük)

The radio channel in the Hungarian language was established in 1958 as part of Radio Murska Sobota. The beginnings were modest: a ten-minute broadcast on Sunday evenings. Today broadcasts in the Hungarian language are transmitted from a studio in Lendava, which is included as a separate unit in the system of the national radio and television<sup>68</sup>. The Hungarian language programme broadcasts 8 hours except on Sundays (7 hours). It has been broadcast from the studio in Lendava since 1983, and since 1992 they have been broadcasting on their own UHF frequency 87.6 MHz and MW frequency 648 kHz. The TV production is modest. The main activity is the production of the broadcast *Hidak-Mostovi* (Bridges). Since January 1995, the half-hour programme has been broadcast twice a week. In addition to topical events the broadcast gives news on a variety of cultural, political, ethnographical and other events from the life of the national community.<sup>69</sup> Programmes broadcast by Hungarian radio and TV stations have a relatively wide audience, while the audience among the majority nation is rather modest (as shown by surveys carried out by the Institute for Ethnic Studies in Ljubljana). In the ethnically mixed area, one can also buy books, magazines and newspapers printed in Hungary, particularly in Lendava where a bookshop was opened in 1998, selling such materials.

A radio station broadcasting in the **Italian language** was established in 1949. The radio station transmits fourteen hours of broadcasts in the Italian language. In 1971 a TV station was established. The TV station provides information for the Italian population in Slovenia and Croatia. It broadcasts eleven hours of programme daily, ten hours in Italian and one hour in Slovene. The results of surveys conducted by the Institute for Ethnic Studies in 1996 show that almost 60% of members of the Slovene majority population and almost 90% of members of the Italian national community listen to and watch the Italian language programmes (regularly or often). The area along the Slovene-Italian border offers an extremely large choice of media. The signals of many Italian radio and TV stations may be easily received in the entire ethnically mixed area, which of course strengthens the “ties” of members of the Italian national community with the Italian language area. The same is also true of members of the majority Slovene nation.

In addition to electronic media, the Italian ethnic community also has at its disposal printed mass media. The main publisher is EDIT, established in 1952. The seat of the institution is in Rijeka, and the coastal municipalities are covered by a special correspondence office in Koper. Its chief publication is the daily “*La voce del popolo*” which is printed in some 3750 copies. About 300 of those are distributed in Slovenia. EDIT also publishes the weekly “*Panorama*” in approximately 2200 copies, 600 of which are distributed in Slovenia; the three-monthly literary magazine “*La Battana*” (1000 copies, 50 distributed in Slovenia) and a children’s newsletter “*Arcobaleno*” (2500 copies, 350 distributed in Slovenia). Since 1992 the

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<sup>68</sup> Articles of Association of the Public Institution Radiotelevizija Slovenija (Uradni list RS, No. 66/95), Article 9: RTV Slovenia includes the following units: (...) Regional RTV Centre Maribor with two studios for the Hungarian channel in Lendava - Magyar Nemzetiségi Műsok Lendvai Szerkesztőség.

Article 20: The Regional RTV Centre in Maribor creates, produces and broadcasts the regional TV and radio programmes, the TV and radio programme for the Hungarian national community, the TV and radio programme for the Slovene minority in Austria and Hungary, and it produces broadcasts for national radio and TV programmes and broadcasts in foreign languages.

Article 21: The radio and TV programmes referred to in the preceding article are produced by the editors of the regional radio and TV programme and the editors of the Hungarian radio and TV programmes in the Hungarian language (...).

The production of the TV and radio programmes in the Hungarian language is coordinated by the director and the editors responsible for the Hungarian national community programmes. The headquarters of the radio and TV programmes management for the Hungarian national community are in Lendava.

<sup>69</sup> Katalin Munda-Hirnök: The Mass Media in the ethnically mixed area in Lendava. Inter-ethnic relations and national identity on the Slovene national territory. INV, Ljubljana, 1998, p. 127.

newspaper “La voce del popolo” has been sold together with the daily “Il Piccolo” (published in Trieste, Italy) in a “sandwich” arrangement - two papers for the price of one. In addition to these, there is a range of publications issued occasionally (or in cooperation with other local printed media) by cultural associations in the ethnically mixed area. The Republic of Slovenia supports the publishing of printed media with suitable financial grants. The amount represents 20% of the funds allocated for these activities in the Republic of Croatia.

## **Article 12: CULTURAL ACTIVITIES AND FACILITIES**

Slovenia has undertaken to apply the following paragraphs and subparagraphs:

Paragraph 1 a, d, e, f,  
Paragraph 2  
Paragraph 3

In the area of the minority cultural policy the Slovene cultural policy pursues the following basic goals:

- Promotion of developed cultural pluralism,
- Encouragement of cultural activities of the national communities and immigrants,
- “Promotion of tolerance and co-existence in the area of culture of these communities,
- Training of experts in the area of culture of these communities,
- Development of the linguistic competence of members of these communities, and
- Concern for the protection of the right to culture of all inhabitants of Slovenia”<sup>70</sup>.

Similar provisions can be found in the Draft Slovene National Cultural Programme, which reads, “the priority areas for which the national communities recognised by the Constitution receive funds:

- Preservation of Cultural Heritage (in cooperation with national institutions in the area of the protection of cultural heritage);
- Establishment of cultural organisations for the preservation and development of cultural/ethnic features of national communities;
- Publishing;
- Contacts in culture with the nation of origin.

Measures for the protection of cultural heritage are within the competence of the Cultural Heritage Administration. Their aim is to protect cultural heritage as laid down by the Convention Concerning the Protection of World Culture and Natural Heritage (1972). Damaging or losing of any cultural heritage properties (**thus also of the cultural heritage of a national community**) is the impoverishment of world heritage and particularly the cultural heritage of the ethnically mixed area. The cultural heritage of national minorities therefore deserves professional concern. The institutions for the protection of cultural heritage in the Republic of Slovenia therefore devote special concern as regards personnel, programmes and other matters to the cultural and natural heritage of national communities”<sup>71</sup>.

The Republic of Slovenia has included cultural heritage and cultural creations of the two national communities in the cultural heritage of the Slovene state and protects them in a similar way as the cultural production of the majority nation, as is evident from the **Act**

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<sup>70</sup> Cultural policy in Slovenia, Faculty of Social Sciences, Ljubljana, 1997, p. 200

<sup>71</sup> Slovene National Cultural Programme: drafted/issued by the Ministry of Culture of the Republic of Slovenia, Ljubljana, Nova Revija, 2000, p. 44

**Implementing the Public Interest in Culture**<sup>72</sup>. In the **Cultural Heritage Protection Act**<sup>73</sup>, Slovenia has committed itself to protecting, in accordance with the basic definition, all ethnological monuments on its territory regardless of their ethnic origin. The provisions concerning the cultural area of national communities can also be found in the **Fund for Amateur Cultural Activities of the Republic of Slovenia Act**<sup>74</sup>, the **Librarianship Act**<sup>75</sup>, and the **Institutions Act**<sup>76</sup>.

“The Department for Culture of National Communities, the Roma Community, Immigrants and Other Minority Ethnic Communities” has been set up within the Ministry of Culture, which is responsible for cultural activities of the national communities. The Department is engaged in the following:

- Drafting, in cooperation with experts in the area of minorities, professional guidelines for decision-making on the cultural policy relating to minorities in Slovenia;
- Cooperation with international organisations (in 2000 it organised together with the Council of Europe an international seminar on the public authority instruments in the area of the protection of the minority cultural rights);
- Establishing direct contacts with representatives of the national communities, counselling and assisting them in exercising their rights, and funding their cultural activities on the basis of criteria, in the formulation of which representatives of the national communities also take part.

The Hungarian self-governing national community from Pomurje has established the “Institute for Culture of the Hungarian Minority”, which promotes Hungarian culture. The Institute co-ordinates and provides guidelines for the work of twenty-two cultural associations of the Hungarian national community. Cultural associations are active in numerous fields of cultural creative and performing arts – from ethno-folklore to original cultural creations. The cultural production of the Hungarian national community is often presented in Hungary.

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<sup>72</sup> **Act Implementing the Public Interest in Culture (Uradni list RS, No. 75/94)**

<sup>73</sup> Cultural Heritage Protection Act (Uradni list 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 national communities and other peoples on the territory of Slovenia.”

<sup>74</sup> Fund for Amateur Cultural Activities of the Republic of Slovenia Act (Uradni list RS, No. 1/96), Article 5, Paragraph 2: “Based on an agreement with a local community or a self-governing community of the autochthonous Italian and Hungarian national communities in Slovenia, the Fund may perform tasks under the foregoing Paragraph also for the aforesaid communities”.

<sup>75</sup> Librarianship Act (Uradni list RS, No. 87/2001), Article 25 (general libraries in ethnically mixed areas):  
General libraries in ethnically mixed areas shall also provide services for members of the Italian and Hungarian national communities and the Roma community. The libraries shall offer members of these national communities the opportunity to communicate in their languages.

The general libraries from the previous paragraph shall formulate the programme of activities in agreement with representatives of the national communities.

Article 33 (national library), Paragraph 2: The national library shall perform the following tasks in addition to the activities under Article 2 hereof within the library public service: collect, process, store and submit the basic national collection of all library material in Slovene, about Slovenia and Slovenes, by Slovene authors, Slovene publishing houses, members of the Italian and Hungarian national communities, the Roma community and other ethnic groups in Slovenia (Slovenica) and basic foreign literature.

<sup>76</sup> Institutions Act (Uradni list RS, No. 12/91), Article 3, Paragraph 4: “Self-governing national communities shall have the right to co-found or found public institutions which perform activities important for the realisation of the rights of the national community”.

Library activities are also included in the system of cultural activities. Library material in the Hungarian language is collected and stored in the libraries in Murska Sobota and Lendava. The Regional and Study Library in Murska Sobota has a special department for the Hungarian language and literature. The material in the Hungarian language comprises about 30 000 units, which accounts for more than 13% of all library material. The activity of the Library of Lendava/Könyvtár/Lendva is equally important. The library is an independent public institution with the seat in an ethnically mixed area. The library was founded by the Municipality of Lendava and the Hungarian self-governing national community of the municipality of Lendava. The library material comprises 96 000 units, 40% of which are in the Hungarian language. In addition to the main library in Lendava further five local libraries operate in the ethnically mixed area: Dolina (approx. 4000 units of library material – 2100 Slovene and 1 900 Hungarian), Dobrovnik (8400 units – 3900 Slovene and 4500 Hungarian), Gaberje (3800 units, 2400 Slovene and 1400 Hungarian), Genterovci (7000 units, 2700 Slovene and 4300 Hungarian), Petišovci (3900 units, 2300 Slovene and 1600 Hungarian).

The main library in the Slovene Istria responsible for the acquisition of library material in the Italian language is the Public Library Srečko Vilhar in Koper/Biblioteca centrale Srečko Vilhar Capodistria. The library has a department for the Italian language and literature. This library is the central library of libraries in the Slovene Istria and of the institutions and schools of the Italian national community in the coastal region. Library material in the Italian language is also kept by the Public Library in Piran/Biblioteca Civica di Pirano, and the Public Library of Izola/Biblioteca Civica di Isola.

Six cultural associations operate in the ethnically mixed area in the Slovene Istria; however there is no linking organisation related to the Institute for Culture of the Hungarian Minority. The Italian national community wishes to set up an institute for the preservation of cultural heritage similar to the one established by members of the Hungarian national community. Two important institutions of the Italian national community have their headquarters in Croatia: the Centre for Historical Research in Rovinj and the Italian Theatre in Rijeka. The Slovene state provides a proportional share of funds for the operation of these two institutions.

“Representatives of the national communities are pointing to the basic problem of lacking funds for cultural activities. The available funds do not suffice for the extension of cultural activities beyond the national community itself. Representatives of the national communities believe that only the presentation of their cultural creativity in a broader area would signify the implementation of the principle of the national community protection in Slovenia, stating that cultural heritage in Slovenia is an important element of the identity of ethnically mixed areas.”

### **Article 13: ECONOMIC AND SOCIAL LIFE**

Slovenia has undertaken to apply:

Paragraph 1  
Paragraph 2

Legislation at national and local levels described in previous chapters clearly prohibits any discouragement from the use of regional or minority languages in economic activities. There should also be no dilemmas when it comes to the implementation of the provisions concerning the visible bilingualism in public and private economic and social services. The

use of the minority languages is fairly well respected in the public sector in the area of social and social care facilities (hospitals, health centres, and retirement homes). Despite the adopted statutory provisions, the discrepancy between the provisions on the use of the languages of the national communities and the everyday practice is most noticeable in economic activities. For instance, the use of the languages of the national communities is guaranteed at all levels in some banks, ranging from the name of the bank to payment orders (cheques, drafts, etc.) or other financial documents, while the use of the languages of the national minorities is marginal in some other banks. The same deficiencies can also be noticed in the area of insurance. Companies, particularly the private ones, obviously experience bilingual operation (the use of the national community languages) as an additional cost, and they want to avoid it. This is particularly typical of companies which have headquarters outside of the ethnically mixed area but also operate in the ethnically mixed area.

This area is vague and there are so many inconsistencies that representatives of the Italian national community stated,

“It would be worthwhile to consider the adoption of a special law concerning the use of the Hungarian and Italian languages as official languages in the ethnically mixed areas”.

The Republic of Slovenia does not think that an additional law on the use of the languages of the national community would resolve difficulties in the use of the languages of the national communities. These difficulties do not arise from inadequate legislation; the causes should primarily be sought in the fact that the adopted provisions are not implemented. The State of Slovenia will therefore instruct its inspection services to take all necessary steps for the implementation of the adopted statutory solutions. The Republic of Slovenia will recommend similar activities to local self-governing communities (municipalities).

## **Article 14: TRANSFRONTIER EXCHANGES**

Slovenia has undertaken to apply the provisions under Paragraphs a. and b.

Slovenia has committed itself in the Constitution (Article 64, Paragraph 1) to providing material and moral support for the exercise of the right of members of the national communities to foster relations with their nations of origin and their respective countries. The bilateral agreements described on pages 3 and 4 of the present report also contain provisions concerning the fostering of contacts between members of the national communities and their nations of origin in the fields of education, culture and provision of information.

Some other laws also provide for the right of the national communities to maintain and foster free contacts with members of their nation of origin. The Self-governing National Communities Act contains a provision stating that funds for the maintenance of free contacts by the national communities at various levels are provided from the funds of “self-governing local communities” (municipalities), from the budget of the Republic of Slovenia and other sources<sup>77</sup>. The Act Governing the Implementation of Special Rights for Members of the Italian and Hungarian National Communities in the Field of Education<sup>78</sup> also contains a provision that could be placed under the heading “fostering of free contacts”. Article 4

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<sup>77</sup> Self-governing National Communities Act (Uradni list RS, No. 65/94), Article 18, Paragraph 2

<sup>78</sup> Uradni list SRS, No. 12/82 (25 April 2001)

(cooperation with the institutions of the nation of origin) of this Act reads “In order to attain goals defined by the present Act, and in compliance with interstate agreements, public kindergartens and schools in the language of the national community and the bilingual kindergartens and schools (hereinafter: kindergartens and schools) shall cooperate with corresponding institutions of their nation of origin in neighbouring countries”.

## ROMA IN SLOVENIA

Upon depositing the instrument of ratification of the European Charter for Regional and Minority Languages with the Secretary General of the Council of Europe, the Republic of Slovenia announced that the provisions of Article 7, Paragraphs 1 to 4 of the Charter would also apply *mutatis mutandis* to the Romany language.

There is no accurate information about the number of Roma in Slovenia. The number of citizens of Slovenia who declared themselves as Roma at the last census was 2293, and 2847 citizens chose the Romany language as their mother tongue. According to information provided by various sources (social work offices, local community bodies, Romany Union of Slovenia), between 6500 and 10 000 Roma live in Slovenia. The majority of Roma live in north-eastern part of Slovenia in Prekmurje and in southern parts of Slovenia along the border with Croatia. Only small groups or individual families live elsewhere in Slovenia, and groups of migrant Roma from the areas of the former Yugoslavia reside in bigger towns.

The framework of the legal protection of the Romany community is provided by Article 65 of the Constitution of the Republic of Slovenia, which stipulates that

“the status and special rights of the Romany community living in Slovenia shall be regulated by law”.

No act has yet been adopted, which would comprehensively regulate the status of Roma. This, however, does not mean that the issues of the Romany community are marginal. As a result of the difficult social circumstances in which they live, previous “efforts to help them have been mainly directed towards ensuring basic living conditions, attempts at socialisation and integration into the environment. Under those circumstances it is understandable that efforts to give Roma better chances for developing their own identity are still in their infancy.

Because of historical and various other circumstances, there are great differences between Roma in Slovenia, based on the different ways of life, traditions and levels of socialisation and integration into the environment. The conditions are generally much better in the northeast than in the south. Despite the great differences, it is still possible to draw some common conclusions that apply to the majority of the Romany population. Most Slovenian Roma live in settlements isolated from the rest of the population or at least on the verge of settled areas, usually below minimal living standards<sup>79</sup>. The low standard of living is also reflected in poor state of health of Roma and in their life span.

The economic situation of Roma is extremely difficult. Employment of Roma has almost stopped. Roma have difficulties in finding regular employment due to their low level of education and due to the negative attitude of the majority population. Welfare assistance remains the most frequent and secure source of income of the majority of families.

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<sup>79</sup> Peter Winkler, Roma Ethnic Group in Slovenia. In: The Protection of National Communities in the Republic of Slovenia, Ljubljana, 1999, p. 66

“In the past few years, the Government of the Republic of Slovenia has discussed several times the status of Roma in Slovenia and adopted directions for action in this area. The discussions were based on the following premises:

- a) Roma in Slovenia are a population group under threat, and without organised assistance they have no chance of adapting to life in modern society. The main obstacles to their integration are social handicaps, modest aspirations resulting mainly from their traditional way of life, and lack of education, which bar them from all professions requiring skill.
- b) The Romany issue is at present a chiefly social question, which can be solved only by coordinated action on the part of state and local bodies. Conditions fit for human beings should be ensured, and opportunities created for Roma to be able to provide their own means of support. That will be the basis for faster improvement in the areas of information, cultural life, preservation of identity and integration into society on equal terms.
- c) None of this can be achieved without the awareness and active participation of Roma, therefore we must provide support to all those individuals, organised groups of Roma and organisations of civil society that are striving for these goals<sup>80</sup>.

The implementation of the provisions of the European Charter for Regional and Minority Languages as regards the Roma issues in Slovenia can be considered within the following two fields: **education** and **cultural activities**. The number of children regularly attending kindergartens and schools has been on the increase in the last years, and their achievements have also improved. The following kindergartens have Romany departments:

1	Kindergarten within the Elementary School F. Prešeren Crenšovci	1
2	Kindergarten Crnomelj	2
3	Kindergarten within the Elementary School Leskovec	1
4	Kindergarten Lendava	1
5	Kindergarten Boris Pece Maribor	1
6	Kindergarten Murska Sobota	2
7	Kindergarten Novo mesto	3
8	Kindergarten within the Elementary School Sveti Jurij	2
9	Kindergarten Trebnje	1
	Total	14

Approximately 150 Romany children attend kindergartens. The normative for opening a Romany department set by the state is five children. Slovenia’s share in co-financing the education of Romany children amounts to 24%.

In the school year 2001/2002, a total of 1285 children of Romany ethnicity attended elementary school. There are no accurate data on the number of Romany children enrolled in secondary schools. This number is assessed to be 100. It is even more difficult to assess how many Romany children attend institutions of higher education. According to some estimates there should be between 5 and 10 students coming from the Romany community. Pursuant to the Programme of the Government of the Republic of Slovenia for the Improvement of the

<sup>80</sup> Peter Winkler, *ibid*, p. 69



Situation of Roma (adopted in 1995), the Republic of Slovenia grants scholarships to those Romany students who choose educational studies.

Despite the above positive trends, two basic problems still occur in the education of Romany children. Firstly, there is the problem of accommodating Romany children to the existing environment and thus to the existing schooling model, and the second problem relates to language. Children entering the schooling process as a rule only speak the Romany language and must learn the majority language. In the past decade a number of projects have been underway concerning the adaptation of the programmes to the needs of children. Education legislation has also legally entrenched these possibilities.<sup>81</sup> “It is mainly the social and socialisation aspects of the problem that have been addressed within the activities thus far that contribute to ensuring success to children within the existing school system, and too little has been done to remove language barriers, to introduce the Romany language into schools and to nurture Romany cultural traditions. Many years of striving to train teachers among members of the Romany community have not been very successful; we are, however, aware of the fact that this is an unavoidable stepping stone, and that only an enlightened generation of Roma intellectuals will be able to make a significant contribution to the cultural and civilisational development of their community and to the development of its identity”<sup>82</sup>.

The second area that should be mentioned is the area of culture. Roma have so far set up eight associations, which united in 1996 in the Union of the Roma Associations of Slovenia, later renamed to Union of Roma of Slovenia. The activities of the Union include activities in the area of theatre and publishing. The Union publishes the magazine *Romano Them* (World of Roma), in which articles in the Romany and Slovene languages are published. The Roma Association/Romani Union of the municipality of Murska Sobota occasionally publishes the newspaper *Romany News/Romano nevijpe*. The Association also publishes a compilation

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<sup>81</sup> **Organisation and Financing of Education Act** (Uradni list RS, No. 12/96)

**Article 25** (Authority of the Council of Experts of the Republic of Slovenia for General Education)

- shall give opinions on whether or not the programs for preschool children are suitable; and propose to the minister: - additional education programmes for Romany children.

**Article 81** (Schools) The state budget shall also provide the following funding for activities and tasks supporting the performance of educational activities: (...) – Roma

**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. (...) for the education: - of Romany children

**Act Amending the Organization and Financing of Education Act** (Uradni list RS, No. 64/2001), Article 9 added to the authority of the Council of Experts of the Republic of Slovenia for General Education the obligation to “adopt instructions for carrying out the programme adapted to Romany students”.

**Preschool Institutions Act** (Uradni list RS, No. 12/96), **Article 7** (Rights of Roma) Preschool education of Romany children shall be carried out in compliance with this Act and other regulations.

**Article 54** (Funding) Prior to the adoption of preschool education programmes in compliance with this Act, the following shall be considered as public services in the field of preschool education and preparation for school:

- preschool education of children between the age of one and their entry into school, including the preparation of children for elementary school;
- education of and care for preschool children with special needs pursuant to the law;
- programmes for preschoolers of the Italian and Hungarian national communities in ethnically mixed areas;
- programmes for Romany preschool children; and
- programmes for preschool children of migrant workers abroad.

**The activities specified in indent one of the preceding paragraph shall be funded from local community budgets, the activities specified in indents two, three and four from local community and state budgets, and activities specified in indent five of the preceding paragraph from the state budget.**

**Elementary School Act** (Uradni list RS, No. 12/96), **Article 9** (Rights of Roma) Elementary education of Roma in the Republic of Slovenia shall be provided in compliance with this Act and other regulations.

<sup>82</sup> Peter Winkler, *ibid.*, p. 68

entitled the Romany Compilation/Romano kedijpe, which includes articles on the International Romany Meeting, traditionally held in Murska Sobota. The broadcast on the local radio stations in Murska Sobota and Novo mesto should also be mentioned. The activities of the Union are funded by the Ministry of Culture.