



Strasbourg, 9 June 2004

ECRML (2004) 3

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN SLOVENIA

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

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

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

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

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter could decide to address to one or more Parties, as may be required.

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

Chapter 1 - Background information

1.1. Introduction

1. Slovenia signed the European Charter for Regional or Minority Languages (hereafter referred to as the Charter) on 3 July 1997 and ratified it on 4 October 2000. The Charter entered into force with regard to Slovenia on 1 January 2001. Slovenia declared at the time of depositing the instrument of ratification that the regional or minority languages in Slovenia were Hungarian and Italian. It also declared that in accordance with Article 7, paragraph 5, of the Charter, Slovenia would apply *mutatis mutandis* the provisions of Article 7, paragraphs 1 to 4, also to the Romany language.

2. The instrument of ratification is set out in Appendix I to this report.

3. In accordance with Article 15 para. 1 of the Charter, the initial periodical report on the application of the Charter in Slovenia was presented on 14 March 2002. On the basis of the information made available to the Committee of Experts, the Slovenian authorities did not take any specific measures to make their initial report public.

1.2. The work of the Committee of Experts

4. After the Committee of Experts' preliminary examination of the report, a questionnaire was drawn up and addressed to the Slovenian authorities. The Committee of Experts organised an "on-the-spot" visit to Slovenia, carried out by a delegation of the Committee in February 2003. A delegation of the Committee of Experts visited Lendava/Lendva, Koper/Capodistria, Novo Mesto and Ljubljana. Meetings were held with representatives of the speakers of the Hungarian, Italian, German, Croatian, Serbian, Bosnian and Romany languages, including NGOs, politicians, journalists and educationalists. In Lendava/Lendva and Koper/Capodistria the delegation also met representatives from local authorities and in Ljubljana representatives from the Government Office for National Minorities and from the Ministries of Foreign Affairs, of Education, Science and Sport, of Culture, of Justice, as well as the deputy Ombudsman. In Ljubljana the delegation of the Committee of Experts also visited a Slovenian-speaking elementary school.

5. The Committee of Experts received a number of comments and additional information from minority representatives and non-governmental organisations in Slovenia. This information has been very helpful in the evaluation of the application of the Charter and the Committee of Experts would like to thank these organisations for their active input and participation in the monitoring process.

6. In accordance with Article 16 para. 4 of the Charter (see Chapter 3.2 of this report), the Committee of Experts has established a list of general proposals for the preparation of recommendations that the Committee of Ministers may wish to address to Slovenia. Furthermore, in the body of the report, where necessary, it has made more detailed observations where necessary, which it encourages the Slovenian authorities to take into consideration when developing their regional or minority language policy.

7. This report is based on the political and legal situation prevailing when the Charter entered into force in Slovenia (January 2001), on the information presented by the Slovenian Government in its initial periodical report to the Council of Europe (March 2002), on additional information provided by the Government at a later stage and on other information obtained by the Committee of Experts as stated above. The report was adopted on 21 November 2003.

1.3. Presentation of the regional or minority language situation in Slovenia

1.3.1. Hungarian

8. After the conquest by the Hungarians of the Carpathian Basin and the founding of the Kingdom of Hungary, today's Prekmurje region in Slovenia, i.e. where the river Mura has its watershed towards Hungary, formed part of a vast region situated between the Kingdom of Hungary and the Styrian-Austrian Principality. In the Middle Ages the city of Lendava/Lendva and its surroundings formed part of the Zala County of the

Kingdom of Hungary and the region of today's Murska Sobota formed part of the Vas County of the Kingdom of Hungary.

9. In 1335 the region was under Habsburg rule. This position remained unchanged until the end of the first world war. The region throughout that period was predominantly Hungarian-speaking, although the influence of the Slovenian language grew during the course of the XIX century. Links between the ethnic Slovenes, the Hungarians and the Vends, a particular branch of the Hungarian-speaking population, developed particularly in 1848-1849, when the three populations, who shared similar living conditions and were fundamentally culturally alike, united their efforts to counter, unsuccessfully, the Austrian-Croatian troops sent to crush the Hungarian revolution and national uprising of that period.

10. During the second half of the XIX century the Mura region benefited from significant economic growth thanks in particular to the establishment of a number of industrial enterprises, eg in Dobronak/Dobrovnik. However, at the end of the XIX century a large number of peasants, who could not acquire land due to an estate system in the hands of a few land-owners, emigrated mainly to Austria or to North America.

11. After the end of the first world war, following a short attempt to confer on the Mura region a sort of autonomous status, the Peace conference eventually abandoned the original Mura line as the border with Hungary and the narrow area beyond the Mura became part of the Kingdom of Yugoslavia, together with 15,000 ethnic Hungarians (the river Rába region, on the other hand, became part of Hungary together with 5,000 ethnic Slovenes and Vends).

12. During the second world war Hungary recovered control of the Mura region until April 1945. At the end of the second world war the region was placed again under Yugoslav sovereignty. The return of the region under Yugoslav control was however characterised by retaliations against the ethnic Hungarian population, as a result of the support by the Hungarian State for the Axis during the second world war. In particular, some of the Hungarian-speaking people were deported and at the same time a labour force from other, non-Hungarian-speaking regions was encouraged to settle in the Prekmurje region, which contributed considerably to the present mixed character of the region. Between 1950 and 1970 many young people left the region, following its dramatic economic decline. The conditions of the Hungarian-speaking village schools deteriorated and by the mid-1950s half of the ethnic Hungarian pupils attended Slovenian-speaking schools. In 1959, to stop this trend, compulsory bilingual instruction also for ethnic Slovene pupils was introduced in the ethnically-mixed municipalities situated in the narrow strip of land where the Hungarian-speaking population had previously constituted a large majority.

13. The first census held in 1991 after Slovenia gained independence gave the following figures: 9,240 persons declared their mother tongue to be Hungarian and 8,000 that they belonged to the Hungarian minority. However, the results of the latest census, held in 2002, show a decline as far as the second figure is concerned: thus, in 2002 6,243 persons declared themselves as belonging to the Hungarian minority (the latest figure for mother-tongue speakers of Hungarian is not known to the Committee of Experts). In general, Hungarian speakers constitute a substantial section of the total population of the municipalities concerned: for example, in Lendava/Lendva about 50% of the 11,600 inhabitants belong to the Hungarian-speaking community. In the municipality Dobrovnik/Dobronak, the situation is similar with 616 of the 1439 inhabitants belonging to the Hungarian-speaking community.

1.3.2. *Italian*

14. The presence of the Italian language along today's Slovenian coast dates back to ancient times. In the early Middle Ages, the gaining in importance of the Italian language, from a certain stage more precisely the Venetian dialect, was closely linked to the growing influence of Venice, especially along the Western coast of the Istrian peninsula. At the end of the XIII century the latter coast, including the part which today belongs to Slovenia, entered a stable period under Venetian control and over the following centuries this contributed to the coastal cities acquiring a typical Venetian identity, language and culture. The situation remained substantially unchanged not only after the fall of Venice, following Napoleon's intervention in 1797, but also in the XIX century when the Habsburgs' rule allowed education in Slovenian to develop, revealing a complex demographic and cultural situation including this part of Istria. Simply put, the urban settlements along the coast were inhabited by a majority Italian-speaking population, whereas the inland was predominantly Slovenian-speaking.

15. At the end of the first world war, the peace treaties assigned Istria to the Kingdom of Italy, but the fundamental ethno-linguistic context referred to above lasted until the end of the second world war (although

the tough assimilation policy of the Slav population present in the region, carried out under the Italian fascist regime, led to the departure in particular of a number of members of the *elite* amongst the Slovenian-speaking population). After the end of the second world war, the Allied powers assigned the control of the whole Istrian peninsula to the Yugoslav Federation causing a very large majority of the Italian-speaking population to leave and seek refuge in Italy. In many cases their leaving was also due to the harsh conditions imposed by the Yugoslav military forces. Today's Italian-speaking minority on the Slovenian coast is therefore what remains of the far larger Italian-speaking population having previously constituted the bulk of the inhabitants of the urban settlements along the coast.

16. Figures from the first census held after Slovenia gained independence showed the following: 3,882 persons declared their mother-tongue to be Italian and 2,959 that they belonged to the Italian minority. The results of the latest census, held in 2002, show a decline in both figures: thus, in 2002 3,762 declared their mother-tongue to be Italian and 2,258 persons declared themselves as belonging to the Italian minority. The latest data also show that the average age of the Italian-speaking population is increasing.

17. In the coastal towns, which, as previously mentioned, constitute its main historical settlement area, the Italian-speaking minority now represents only a tiny percentage of the present overall population. Thus, in 2002, in the municipality of Koper/Capodistria, out of a total population of 48,297 inhabitants, only 712 people declared themselves as belonging to the national minority (1,015 in 1991) and 1,059 declared Italian as their mother-tongue (the figure for 1991 is not known to the Committee of Experts).

1.3.3. *The Romany language*

18. In Slovenia Roma people live all over the country, although large numbers are concentrated in particular in the areas of Prekmurje, Dolenjska and Maribor. In the 1991 census 2,293 people declared themselves members of the Roma community in Slovenia and 2,847 declared the Romany language to be their mother tongue (the figures from the 2002 census are not known to the Committee of Experts). According to the information gathered by the Committee of Experts, however, current estimations in Slovenia would suggest higher figures. As to its general historical presence in Slovenia, the Roma community in Slovenia may be divided for sake of simplicity into two main groups: Roma communities living in Slovenia for a very long time and those having moved to Slovenia in relatively more recent times, eg from other parts of former Yugoslavia (such as Kosovo or Macedonia). The latter settled in particular in the main urban areas of Slovenia (such as Ljubljana, Maribor, Celje and Kranj).

1.3.4. *German*

19. The use of the German language in Slovenia suffered particularly from the consequences of the dramatic changes that occurred during and after the end of the second world war.

20. German has been spoken in Slovenia for centuries, although its presence is linked to different German-speaking communities, with a different history.

21. German is spoken mainly in three areas. The first one is near the border with Austria, where the presence of German speakers is linked to the establishment of the Kingdom of Yugoslavia at the end of the first world war, and to the attribution to the latter of territories which were previously part of the Austro-Hungarian Empire and inhabited also by a German-speaking population. According to the written information provided by one of the associations representing the German speakers in Slovenia, about 150 German-speaking families, essentially of Austrian descent, currently live in the region of Maribor and in the region at the conjunction of the borders between Slovenia, Austria and Hungary.

22. The second area is the region of Kočevje, partly in the district of Novo Mesto. The German-speaking population in this area is also of Austrian descent but has a more complex history. In the course of the XIV century, peasants from eastern Tyrol and western Carinthia were settled in this area by the local princes (the Counts of Ortenburg) and were charged with maintaining the forests covering the area. This linguistic enclave had for a very long time no contact with German-speaking countries and this allowed them to preserve their mediaeval form of German ("Gottscheer German"). The number of speakers ranged during the centuries from a minimum of 12,000 up to a maximum of 20,000. As of the end of the XIX century the size of this linguistic community began declining because of intense emigration to North America. A second decline occurred during the second world war. As a result, by the end of the second world war, only a few hundred speakers were still living in the area. The emigration process continued into the 1950s. Today, it would appear from the information provided by the representatives of the German-speakers in the region of Kočevje, that less than 400 speakers live in the area.

23. The third area is Ljubljana. It is very difficult to determine the origins of the German-speaking community in Ljubljana, which is most likely of a very different nature (this community, for example, also includes members of the first two communities mentioned above who moved to the capital).

24. From what has been said above, it is difficult to evaluate the exact size of the German-speaking community in Slovenia. The Government quotes the total figures, drawn from the 1991 census, of 199 persons who declared themselves as Austrians and 546 who declared themselves as Germans. Furthermore, it is unclear how many German speakers live in the Kočevje area. However, several pieces of information gathered by the Committee of Experts during the seem to suggest that the census figures are most likely underestimated, due to the reluctance of many of the German-speakers to declare themselves as such. A specific issue concerning the Kočevje Germans is that they would never consider themselves "German". However, it was reported to the Committee of Experts that in more than one case public officials refused to take account of the ethnic group of "Kočevar" for the purposes of the census.

25. The information provided by the Government on the results of the 2002 census does not include any element concerning German speakers. No other data in this regard was provided to the Committee of Experts by other sources. The limited information received does therefore not allow for a precise assessment of the present situation.

1.3.5. *Croatian*

26. According to the various information collected by the Committee of Experts, the presence of the Croatian language in Slovenia is an ancient one. Amongst others, the oldest and main settlement area is what today is known as the "Bela Krajina". From 1094 until the XV century, the region was part of the bishopric of Zagreb. In the late XV century, German feudal owners took possession of the area and in 1526 it became part of the Habsburg Monarchy. The region's subsequent evolution occurred under the same State structure as for the Slovenian-speaking populations. In the course of the XVI century, Croatian-speaking people, driven from the Dalmatian coast by the Turkish, moved to Bela Krajina. Since that time the Croatian language and culture has been very much present in Bela Krajina .

27. The language spoken today by people of Croatian descent in this region of Slovenia, as well as in the nearby border region around Mokrice, albeit on a more limited scale, is strongly influenced by the Slovenian language (and vice-versa), to the point that both ethnic Croats and ethnic Slovenes living in the area speak a sort of Croatian-Slovenian mixture. However, the linguistic reference point in the demands of the people belonging to the Croatian-speaking community remains standard Croatian.

28. It would appear that 18,000 ethnic Croats were living in Slovenia between 1931 and 1953, with approximately 31,000 in 1961 and 54,000 in 1991. The figures for the 2002 census as well as the distribution of Croatian speakers over the Slovenian territory are not known to the Committee of Experts. On the other hand, according to the 2002 census 2,8% of the population of Slovenia declared that their mother tongue was Croatian.

1.3.6. *Serbian*

29. The presence of Serbian on today's Slovenian territory dates back to at least the XVI century, when Serbian people from the nearby military frontier region, the "Vojna Krajina" (today in Croatia), set up by the Austro-Hungarian Monarchy as a defensive line against the Turks, resettled in Bela Krajina. The Committee of Experts, however, did not receive any information as to the continuous influence of Serbian in Bela Krajina since that time and its present-day situation.

30. The information provided to the Committee of Experts by Serbian language representatives during the "on-the-spot" visit further suggests a second wave of Serbian-speaking people, particularly in the bigger cities, from the end of the XIX and beginning of the XX century. The total figures, as far as it is possible to trace them back, show the following: 11,000 ethnic Serbs were living in Slovenia in 1953, 13,000 in 1961, 42,000 in 1981 and 47,000 in 1991. The figures from the 2002 census, as well as the distribution of Serbian speakers over the Slovenian territory are not known to the Committee of Experts. On the other hand, according to the 2002 census 1,6% of the population of Slovenia declared that their mother tongue was Serbian.

1.3.7. *Bosnian*

31. According to the information provided by the Bosnian representatives, people of Bosnian origin settled in Slovenia back in 1878, following the annexation of Bosnia-Herzegovina by the Austro-Hungarian Empire. Official figures, as far as they can be traced back, show the following: 1,617 ethnic Bosnian (defined as “Muslims” in the official statistics) were living in Slovenia in 1953, 465 in 1961, 13,000 in 1981 and 26,800 in 1991. The figures from the 2002 census, as well as the distribution of Bosnian speakers over the Slovenian territory are not known to the Committee of Experts. On the other hand, according to the 2002 census 1,6% of the population of Slovenia declared that their mother tongue was Bosnian.

1.4. **General issues arising from the evaluation of the report**

32. Generally speaking, the Slovenian legal framework offers a high standard of protection for the Hungarian and Italian languages. In several respects this standard was already in place when Slovenia was still part of Yugoslavia, but after it gained independence in 1991 Slovenia maintained it, developing it further.

33. A particular issue concerns some of the choices made by the Slovenian authorities during the ratification process. Thus, in the case of Article 8 paras. 1.a, 1.c and 1.d of the Charter, no specific option was explicitly chosen, with the consequence that, in conformity with its practice, the Committee of Experts has to apply one of the available options “ex officio”. This raised difficult issues which will be dealt with later on (see paras. 93-95 and 167-169 below). An additional issue in this respect is that Slovenia did not enter into any of the undertakings under Article 8 para. 1.b of the Charter, although the Slovenian Government commented on this undertaking too in the context of the initial periodical report (see pp. 9-14 of the initial periodical report as well as paras. 96 and 170 below).

34. Co-operation with the Slovenian authorities has been affected by a number of difficulties. In particular, the replies to the questionnaire handed in to the Slovenian authorities were submitted in two different stages and each time with a considerable delay. Moreover, the information provided by the Slovenian authorities, both in the initial report and in the two sets of replies to the questionnaire, was, in several respects, incomplete or insufficient, particularly as far as obligations under Part II of the Charter are concerned. According to the information that the Committee of Experts collected during the “on-the-spot” visit, not all the ministries concerned, such as the Ministries of Education and of Justice, were consulted in connection with the preparation of the initial report. Furthermore, many of the translations of legal acts requested by the Committee of Experts were never provided.

Chapter 2 - The Committee's evaluation in respect of Parts II and III of the Charter

2.1. Preliminary issues

35. In the light of the information received by the Committee of Experts, the question arises as to whether Croatian, Serbian and Bosnian may be considered as languages traditionally spoken in Slovenia, within the meaning of Article 1.a of the Charter.

36. According to the Government, these linguistic communities settled in the Slovenian territory at the time of former Yugoslavia, particularly from the mid-1960s and the early 1980s. During a period of intense internal migration, economic reasons led members of these linguistic groups to move to Ljubljana in particular and to other industrial cities in Slovenia. The languages of these linguistic groups are not recognised as regional or minority languages within the meaning of the Charter. In particular, although the Ministry of Culture provides a certain amount of support in the cultural field, pursuant to the principles embodied in articles 61 and 62 of the Constitution (these two provisions guarantee respectively the right to express one's national affiliation and the right to use one's language and script "in a manner provided by law"), as stated by the Government these languages are not recognised as autochthonous by the Slovenian authorities and they are defined either as migrants' languages (their speakers being covered in this way by the Resolution on Migration Policy in the Republic of Slovenia adopted by the Government on 25 July 2002 and which dealt also with the situation of "members of nations of the Former Yugoslav Federation") or as languages spoken by "modern minorities" or "modern national communities" not having an autochthonous character.

37. The Committee of Experts considers that the situation of Croatian, Serbian and Bosnian under the Charter must be assessed on the basis of the fundamental criterion laid down in Article 1.a of the Charter, according to which a regional or minority language within the meaning of the Charter is one which, *inter alia*, is "traditionally used within a given territory of a State".

38. As far as Croatian is concerned, the information at the disposal of the Committee of Experts (see paras. 26-27 above) points to an ancient and continuous presence of the Croatian language and culture in Slovenia until the present day, particularly in Bela Krajina and the area of Mokrice. The Committee of Experts is therefore of the opinion that this language qualifies as a regional or minority language within the meaning of Article 1 para. 1.a of the Charter and encourages the Slovenian authorities to reconsider their position with regard to this language under the Charter. Furthermore, the Committee of Experts encourages the Slovenian authorities to identify the territories in which Croatian is covered by the Charter and to comment on implementation of Article 7 of the Charter with regard to Croatian in the next periodical report.

The Committee of Experts encourages the Slovenian authorities to reconsider their position with regard to the Croatian language, to identify the territories in which Croatian is covered by the Charter and to comment on the implementation of Article 7 of the Charter with regard to Croatian in the next periodical report.

39. With regard to the Serbian language, there are indications of a traditional presence of this language in Slovenia (see paras. 29-30 above). The Committee of Experts therefore encourages the Government to clarify these elements in co-operation with the speakers and to comment on the results of this process in the next periodical report.

The Committee of Experts encourages the Slovenian Government to clarify the issue of the traditional presence of the Serbian language in Slovenia in co-operation with its speakers and to comment on the results of this process in the next periodical report.

40. As regards the Bosnian language, there are indications of a traditional presence of this language in Slovenia (see para. 31 above). The Committee of Experts therefore encourages the Government to clarify these elements in co-operation with the speakers and to comment on the results of this process in the next periodical report.

The Committee of Experts encourages the Slovenian Government to clarify the issue of the traditional presence of the Bosnian language in Slovenia in co-operation with its speakers and to comment on the results of this process in the next periodical report.

2.2. Evaluation in respect of Part II of the Charter

41. The text of the Charter, when read in conjunction with the instrument of ratification, indicates the undertakings that apply in respect of the different languages in the areas covered by the Charter. The Committee of Experts has therefore evaluated how the State has fulfilled each undertaking in Part II (Article 7) and Part III (Articles 8-14), using the paragraphs and sub-paragraphs specified at the moment of ratification.

42. Part II of the Charter sets out a number of general objectives and principles that a Party is obliged to apply to all the regional or minority languages on its territory. The following paragraphs examine Slovenia's compliance with Article 7 in respect of the Hungarian, Italian, German and Romany languages. As to Hungarian and Italian, this examination will be carried out insofar as the objectives and principles set out by Article 7 are not covered by the more precise undertakings under Part III of the Charter, to which the Slovenian government consented at the moment of ratification in respect of these two languages.

2.2.1. Territorial languages

Article 7 – Objectives and principles

43. With regard to German, an official reference to it is contained in the bilateral agreement with Austria of 2001 on co-operation in culture, education and science (see the initial periodical report, pp. 4 and 5). Article 15 of this agreement stipulates, in particular, that the competent ministries of the two countries will include in their programmes, amongst others, cultural projects for the benefit of the members of the "German-speaking ethnic group" in Slovenia. However, in its initial periodical report the Government itself adds that "(it) would not be correct to state that the German-speaking ethnic group was officially recognised by signing the cultural agreement" (see p. 4, footnote no. 5).

44. Nevertheless, the Slovenian Government confirmed the traditional presence of German in Slovenia and said that the "German-speaking ethnic group (...) has for centuries lived on the territory which is part of the Slovene State" (see the initial periodical report, p. 5, footnote no. 14). Government information referred to concentrated areas of German-speakers, although the German-speaking community in general is rather spread out. It would appear from information received by the Committee of Experts, however, that there is no coherent framework for protecting and promoting the German language in Slovenia, despite a certain revival of the language amongst its speakers post Slovenia gaining its independence in 1991.

The Committee of Experts encourages the Slovenian authorities to extend Part II protection to the German language.

"Paragraph 1

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

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

45. The Slovenian Constitution, in particular Articles 11 and 64 (see the initial periodical report, p. 3), provides specific minority rights for members of the Hungarian and Italian speaking minorities, including a significant number of linguistic rights. In particular, Article 11 provides that even though Slovenian is the official language of Slovenia, in the municipalities where the Hungarian or the Italian national communities reside their respective languages will also be official. Although this provision only applies to certain areas of the municipalities concerned (raising a specific issue in particular for the Italian language, which will be dealt with later on; see paras. 51-54 below), and although in practice the constitutional principle of co-officiality does not always seem to be implemented (see for example paras. 190-193 and 206-211 below), the granting of co-official status to these two minority languages, at the local level, is a very strong recognition of their value.

46. With regard to German, the Slovenian authorities are encouraged to comment in the next periodical report on specific steps taken for implementing Article 7.1.a.

"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;"

47. The administrative division, which has a direct impact on minority rights and on the use of the minority languages concerned, is the "ethnically mixed area". This division only applies in the case of the Hungarian and Italian languages. The "ethnically mixed areas" are located in the territories of the historical Hungarian and Italian settlements. These areas are defined by the statutes of the municipalities concerned. For the Hungarian language the statutes of the following municipalities define a number of areas within the municipal territory as "ethnically mixed": Hodoš/Hodos, Šalovci, Moravske Toplice, Dobrovnik/Dobronak and Lendava/Lendva. For the Italian language the statutes of the following municipalities define a number of areas within the municipal territory as "ethnically mixed": Koper/Capodistria, Izola/Isola and Piran/Pirano. The areas concerned are listed in detail in the initial periodical report (see p. 5, footnotes nos. 6-13).

48. Article 11 of the Slovenian Constitution provides that "(t)he official language in Slovenia is Slovene" but adds that "(in) those municipalities where Italian or Hungarian national communities reside, Italian or Hungarian shall also be official languages." In substance, the "ethnically mixed areas" define the territorial scope for all main political, linguistic and cultural rights in respect of the the Hungarian-speaking and Italian-speaking minorities.

49. The evaluation carried out under Part III of the Charter will deal in detail with the various areas in which these rights are relevant from the point of view of the Charter. The following remarks, therefore, solely concern the general impact of the administrative division in question.

50. With regard to the Hungarian language, the Committee of Experts did not receive any complaints concerning the definition of the "ethnically mixed areas". The issue was raised, however, with regard to the Italian language.

51. The "ethnically mixed areas" with regard to the Italian-speaking population were defined in connection to the London Memorandum of 1954¹. It would appear, from the information provided to the Committee of Experts, that the definition of the "ethnically mixed areas" adopted in connection to the London Memorandum was based on the original socio-demographic situation. This situation was seriously affected by the gradual exodus of a very large majority of Italian-speakers in the period from 1945 until after 1954. Moreover, in the following decades some members of the Italian-speaking population began moving into different districts of the municipalities concerned, including some which were and are not defined as "ethnically mixed areas". In some cases this was the result of some of the areas in which the Italian-speakers traditionally lived changing drastically in character. An example of this is provided by the rural area, near Ankaran/Ancarano, which had been subject to expropriation measures to make way for new communication means and plants. Italian speakers living there, as a result, had to move also into areas not classified as "ethnically mixed".

52. The Committee of Experts observes that such changes may be partly inherent to the social and economic development of any city and this is particularly true in the case of the Slovenian coast, which in economic terms is very dynamic. Areas defined as "ethnically mixed" on the basis of the immediate post-war socio-demographic situation nowadays only correspond in part to the current situation on the ground. It should be observed, in this respect, that a regional or minority language is a living reality and that its framework of protection and promotion should always be seen in the socio-economic context in which it lives and be adapted/developed accordingly.

53. Whilst the presence of the Italian-speakers in the three municipalities concerned accordingly stretches beyond the strict boundaries of their original settlements (for example, according to the information made available to the Committee of Experts about 15% of the Italian-speaking community in the municipality of Koper/Capodistria actually lives in areas not classified as "ethnically mixed"), the scope of the protection afforded the Italian language remains confined to the original settlements, since only these areas are currently classified as "ethnically mixed". Therefore, no protection at all is granted to the language in areas, outside these settlements, which are nevertheless within the territory of the coastal municipalities in which

¹ The Memorandum of Understanding concerning the « Free territory of Trieste », concluded in London between Italy, the United Kingdom, the United States and Yugoslavia on 5 October 1954 made Italy responsible for administration of the Northern part of the territory, while Yugoslavia became responsible for the southern part, which included today's Slovenian coast. Various acts were annexed to the Memorandum. One of them (the "Special Statute") concerned the status of the Italian-speaking minority living in the territory assigned to the Yugoslav administration and of the Slovenian-speaking minority living in the territory assigned to the Italian administration.

the language has been traditionally present (in this respect see also, *mutatis mutandis*, the first evaluation report of the Committee of Experts on the implementation of the Charter by Sweden, ECRML (2003) 1, Findings C. and D.). The dynamic socio-economic context of the three municipalities concerned must also be seen in conjunction with another relevant factor, i.e. the fact that the Italian-speaking population forms only a small fraction of the overall population of these three municipalities (see para. 17 above).

54. The Committee of Experts considers that the framework of protection of the Italian language, which in itself is a rich one, might be *de facto* diminished by the developments on the ground referred to above and this could result, in the medium term, in its marginalisation notwithstanding its co-official status. Symptoms of this can already be detected in the field of the dealings with the administration (Article 10 of the Charter) and of the economic and social life (Article 13 of the Charter), which will be addressed later (see for example respectively paras. 190-193 and 204-205 below, and paras. 206-211 below). In this context, in the view of the Committee of Experts an effective policy of language maintenance would as a consequence call also for the progressive extension of the framework for protecting the Italian language provided for the “ethnically mixed areas” to the other areas in the territory of the municipalities of Koper/Capodistria, Piran/Pirano and Izola/Isola where there is a stable presence of Italian speakers. This would constitute an additional concrete way of recognising the Italian language as an expression of cultural wealth for the three municipalities concerned, in which the language has been traditionally present, in full conformity with Article 7 para. 1.a. of the Charter, referred to above.

The Committee of Experts encourages the Slovenian authorities to extend progressively the framework of protection of the Italian language currently provided for the “ethnically mixed areas” to the other areas of the three municipalities concerned beyond the present “ethnically mixed areas”, to be identified in co-operation with the speakers, where there is a stable presence of Italian speakers, and to take the ensuing implementation measures.

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

55. The Committee of Experts refers to its evaluation under Part III of the Charter for both the Hungarian and Italian languages.

56. With regard to German, the Committee of Experts believes that the very limited approach taken so far by the Slovenian authorities, which in essence appears to be confined exclusively to the terms of the bilateral agreement with Austria, is insufficient to safeguard and to promote this language.

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

57. The Committee of Experts refers to its evaluation under Part III of the Charter for both the Hungarian and Italian languages.

58. With regard to German, the Committee of Experts was informed of the terms of the bilateral agreement with Austria (see para. 43 above). The Committee of Experts encourages the Slovenian authorities to take further steps to implement this provision.

“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;”

59. The first part of this provision is particularly relevant in the case of German, which is spoken in various areas of the country (see paras. 21-23 above), whereas Hungarian and Italian are present in particularly well-defined regions of the country.

60. The Committee of Experts has received information concerning the three officially registered associations involved in promoting the German language and culture (“Most svoboda”/“the Bridge of Freedom”, the “Peter Kozler Slovene Gottsche Association” and the “Gottsche Germans Association”). However, no information was provided as to initiatives taken by the Slovenian authorities for favouring the links between the representatives of the various groups of speakers concerned. The Slovenian Government is therefore encouraged to report on this point in the next periodical report.

61. In respect of the the second part of this provision, which applies equally to Hungarian and Italian, the information provided by the Government is insufficient to assess how the Slovenian authorities promote the establishment of cultural relations between the various linguistic groups in the country. This aspect should therefore be addressed in the next periodical report.

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

62. The Committee of Experts refers to its evaluation under Part III of the Charter for both the Hungarian and Italian languages.

63. In relation to German , the attention of the Committee of Experts was drawn, particularly by the speakers in the Kočevje area, to the need to strengthen the provision of teaching in and of German. On the basis of the information received, the Committee of Experts considers that the present activities should be strengthened and that an appropriate form of education in German as a regional or minority language should be developed in the traditional settlement areas as part of the regular or optional school framework. The Committee of Experts therefore encourages the Slovenian authorities to consider ways of developing appropriate provision in education, in co-operation with the speakers, with priority given to the Kočevje area.

The Committee of Experts encourages the Slovenian authorities to consider ways of developing appropriate provision of teaching in and of German in co-operation with the speakers, with priority given to the Kočevje area.

"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;"

64. The Committee of Experts observes that for Hungarian the bilingual education system offered also to ethnic Slovenes living in the area constitutes an excellent way of fulfilling this obligation. However, the Committee of Experts would welcome further information on the opportunities available for the adult Slovenian-speaking population living in the area to learn Hungarian if they so wish.

65. The Committee of Experts notes in respect of Italian that students who do not belong to the Italian-speaking community are also allowed to attend Italian-speaking schools (see para. 172 below). Furthermore, the curriculum for ethnic Slovenes residing in the "ethnically mixed areas" includes 2 hours of Italian per week. In the Committee of Experts' view, these are excellent ways for fulfilling this obligation and Slovenia must be complimented. However, the Committee of Experts lacks precise information on the way in which this provision is fulfilled in the rest of the territory of the municipalities concerned. In any event, this aspect is covered by the observations made with regard to Article 7 para. 1.b (see paras. 51-54 above). Additionally, in the case of the Italian language the Committee of Experts would welcome information on the opportunities available for the adult Slovenian-speaking population living in the areas concerned to learn Italian if they so wish.

66. No information was made available to the Committee of Experts in respect of the German language. The Slovenian authorities are therefore encouraged to comment on this provision in the next periodical report.

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

67. The Committee of Experts refers to its evaluation under Part III of the Charter for both the Hungarian and Italian languages.

68. No information was made available to the Committee of Experts in respect of German. The Slovenian authorities are therefore encouraged to comment on this provision in the next periodical report.

"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."

69. The scope of this provision for Hungarian practically coincides with that of Article 14 of the Charter and will therefore be considered in the evaluation under Part III (see paras. 165-166 below).

70. The specific situation of the media in the Italian language and of the Italian-speaking minority raises a more general question which goes beyond the scope of Article 14 of the Charter and which calls for a more comprehensive assessment in terms of the broader obligation embodied in the present provision.

71. As will also be explained later on (see para. 214 below), the Italian-speaking minority has its own television and radio channels (“Tele-Capodistria” and “Radio-Capodistria”, based in the city of Koper/Capodistria). In the 1960s and 1970s, the Italian-speaking television channel in Koper/Capodistria was accessible to audiences in Italy thanks to the relays that it was allowed to use at the time of former Yugoslavia. The accessibility to the Italian market generated a certain amount of income for the Italian-speaking television channel in Koper/Capodistria from advertising. This enabled the station to be further developed. Money raised was also used, *inter alia*, for building the present headquarters of the Slovenian Radio-Television in Koper/Capodistria. The financial aspect aside, broadcasting to the Italian audience constituted a rather extraordinary means for the Italian-speaking minority to maintain ties with a broader Italian-speaking audience outside Slovenia. Furthermore, the wide coverage that the Italian-speaking television channel in Koper/Capodistria was afforded at the time of Yugoslavia, also concerned the Italian-speaking minority in Croatia, as at that time the Italian-speaking minority in Yugoslavia was not divided, as it is today, by the Slovenian-Croatian border. This helped the Italian language to maintain its historically homogeneous character in particular on the Istrian peninsula.

72. According to the information received by the Committee of Experts, the situation has dramatically changed since Slovenia gained independence. One major aspect of the new situation was the financial crisis experienced by the Slovenian Radio-Television. Some of the more specific aspects of the new situation will be addressed later on, in the evaluation under Article 11 of the Charter (see paras. 215-216 below). In the context of the present, broader obligation two points in particular need to be dealt with. First of all, for reasons which are unknown to the Committee of Experts, the Italian-speaking television channel in Koper/Capodistria was deprived of its relays and can no longer reach the audience in Italy, except for the areas bordering Slovenia. Secondly, the Italian-speaking radio channel in Koper/Capodistria, again for reasons unknown to the Committee of Experts, may now only use medium-wave frequencies with a low power. This not only makes it impossible to reach Italy, except, again, for the bordering areas, but also to cover the whole Istrian peninsula. This leads to two negative consequences. In the first place, the loss of the television relays enabling the Italian-speaking television channel in Koper/Capodistria to reach Italy (this obviously applies to the case of the radio too) has cut a significant cultural tie, for the Italian-speaking minority, with a broader Italian-speaking audience in Italy other than that of the border areas. In the second place, the reduced possibility for the Italian-speaking radio channel in Koper/Capodistria to cover properly the whole Istrian peninsula implies a reduced possibility for reaching the more numerous Italian-speaking minority living in Croatia, namely in Istria and in the Croatian city of Rijeka (this also applies to the Italian-speaking television channel insofar as, for example, it cannot reach Rijeka either). It should be underlined once again, in this respect, that the Italian-speaking electronic media located in Koper/Capodistria are a major means for maintaining links between the Italian-speakers across today’s Slovenian-Croatian international border.

73. The Committee of Experts observes that the obligation laid down in the present provision is concerned with pursuing a policy aimed at the objective set out in the provision. The developments mentioned above have in fact contributed to reducing appropriate transnational exchanges in the field of media, which are also implied in Article 7 para. 1.i of the Charter, instead of promoting them. Furthermore, no policy has been established by the Slovenian authorities to reverse the negative developments referred to above.

The Committee of Experts encourages the Slovenian authorities to adopt a policy, in co-operation with Croatia and Italy, aimed at promoting the broadcast of Italian-speaking television and radio channels located in Koper/Capodistria to parts of Italy beyond the areas sharing borders with Slovenia, and to the whole Croatian part of Istria and the Croatian city of Rijeka.

74. Finally, with regard to German, apart from the reference to the bilateral agreement with Austria (see para. 43 above) the Committee of Experts has received no further information on the implementation of this provision. The Committee of Experts would therefore encourage the Slovenian authorities to comment on the measures taken to promote appropriate types of transnational exchanges, in the fields covered by the Charter, with the other States where German is spoken, in its next periodical report.

"Paragraph 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."

75. Insofar as this provision is not dealt with more specifically under Part III, the Committee of Experts notes that the information provided by the Government is very general and would encourage the Slovenian Government to expand on this aspect in the next periodical report.

"Paragraph 3

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

76. The Committee of Experts initially observes that experience proves that the extent to which a minority language is protected or promoted is linked to how it is received or perceived by majority language speakers. Indeed, regional or minority language protection or promotion is, in many respects, a reflection of the majority approach and perception. As a result, awareness raising with the majority is of the utmost importance. This aspect may concern both the majority at the local level and the majority at the national level and this is the case in Slovenia. As indicated by Article 7 para. 3 of the Charter, two fields are especially relevant in this respect: education and the media, and the respect, tolerance and understanding demonstrated towards regional or minority languages in either of these fields.

77. In education, at local level, the bilingual education model used in Hungarian speaking areas, and the inclusion of Italian in the curriculum for ethnic Slovene pupils living in the "ethnically mixed areas", ensure effective promotion amongst local majority language speakers for Hungarian and Italian (with regard to Italian, the Committee of Experts recalls in this respect the remarks it made above, at paras. 51-54).

78. At national level, an example which arose during the "on-the-spot" visit showed that a number of pupils from the Slovenian-speaking majority population were able to demonstrate a good awareness of most of the regional or minority languages spoken in Slovenia, Hungarian and Italian in particular (reference is made to the co-official status of these two languages at a certain point of the curriculum). Teaching tools, such as the use of bilingual place-names on maps of Slovenia used in classes (as the Committee of Experts noted during the "on-the-spot" visit) are worth underlining for the purpose of Article 7 para. 3 of the Charter and can certainly be considered as a model practice. The Slovenian authorities competent in the field of education should be complimented for ensuring the use, at least to some degree, of such tools and should also be encouraged to develop such use further.

79. However, in the field of education it is unclear if and how the autochthonous character of the regional or minority languages spoken in Slovenia, commencing with Hungarian and Italian, is explained to Slovenian-speaking pupils across the country, particularly in the teaching of history and literature. The Committee of Experts encourages the Slovenian authorities to address this issue and to report back in the next periodical report.

80. As far as the media for the Slovenian-speaking majorities are concerned, the Committee of Experts did not receive any information concerning the policies carried out in this field to raise the awareness of the majority population about the regional or minority languages spoken in Slovenia. In this respect the Committee of Experts is therefore not in a position to assess the fulfilment of this provision and encourages the Slovenian authorities to elaborate on this point in the next periodical report.

"Paragraph 4

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

81. The Hungarian National Self-Governing Community in Prekmurje and the Italian National Self-Governing Community in the Littoral represent the interests and concerns of the two minority groups, and hold talks on linguistic matters with the authorities. At State level a specific institution, the Government Office for nationalities, deals with these matters. In the field of education, the Slovenian government informed the Committee of Experts that the Expert Council of the Republic of Slovenia for General Education is the highest expert body. It sets out the education programmes for members of the Hungarian national community and offers expert assistance in adopting decisions and drafting regulations. However, it is not clear how in practice the Expert Council caters for the needs and wishes of the speakers of regional or minority languages and the Committee of Experts would welcome more concrete information in this respect in the next periodical report.

82. The government made mention of the associations set up to protect and promote German, but offered no further information. The Committee of Experts would welcome further elements in the next periodical report.

2.2.2. The Romany language

Article 7 – Objectives and principles

- "1** *In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:*
- a** *the recognition of the regional or minority languages as an expression of cultural wealth;*
 - 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.*
- 5** *The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be*

determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned."

83. The Slovenian instrument of ratification states that in compliance with Article 7 para. 5 of the Charter Slovenia will apply, *mutatis mutandis*, the provisions of Article 7 paras. 1 to 4 to the Romany language. However, different varieties of the Romany language are spoken in Slovenia due to the different historical backgrounds of Romany speakers (see para. 18 above).

84. Article 65 of the Slovenian Constitution provides that "the status and special rights of the Roma community living in Slovenia shall be regulated by law". In its initial periodical report (see pp. 31-33), the Government admits that no comprehensive legal act for regulating the status of Roma has yet been adopted, although acts regulating specific fields also contain some provisions which deal with the Roma communities. These provisions are mainly aimed at ensuring the participation of Roma children in the regular school framework for Slovenian pupils (see in particular the initial periodical report, p. 33, footnote no. 81; further measures, such as adapted workbooks on the Slovene language or on Mathematics, earmarked funds per Roma pupil for the acquisition of teaching tools and for the reimbursement of school meals for Roma children, are also referred to in the information provided by the Government). However, no specific provision deals with protecting and promoting the Romany language. Indeed no teaching in or of Romany seems to be available, with the only exceptions, brought to the attention of the Committee of Experts during the "on-the-spot" visit and in information provided by the Government, of an optional course in the Romany language carried out in 2002 in co-operation with an elementary school in Murska Sobota and with the Roma association for pre-school and elementary school teachers. Reference was also made to a beginner's course organised by one elementary school in the Dolenjska region on which no further information was made available.

85. In fact, as the Government itself concedes (see the initial periodical report, especially pp. 31 and 33), to date the authorities' efforts have been mainly directed at ensuring basic living conditions, attempts at socialisation and integration into the environment. The integration policies carried out by the Slovenian State primarily concern education and culture and have produced some positive results. The number of Roma children enrolling in kindergartens and elementary schools has been steadily increasing (see the initial periodical report, p. 32). Furthermore, in the field of culture, several Roma cultural associations exist, the Union of Roma of Slovenia being the umbrella organisation. This association notably publishes a magazine containing articles in both Slovenian and the Romany language. In the field of the media, the local radio and television stations of Murska Sobota and Novo Mesto regularly broadcast programmes for the Roma communities partly in the Romany language. It is also worth mentioning that the Slovenian public television recently broadcast some programmes nationally, and these included songs in the Romany language.

86. However, the rate of enrolment in secondary school is much lower than in primary education and very few Roma pupils reach higher education (see the initial periodical report, p. 32). And although the conditions of the Roma communities in the Prekmurje region are relatively better than those of the Roma communities in Dolenjsko and Bela Krajina, most Roma people in Slovenia still live in settlements isolated from the rest of the population and usually below minimal living standards, a fact to which the Government itself makes reference (see the initial periodical report, p. 31).

87. The conditions surrounding the Romany language would appear to be critical. In addition to the absence, mentioned above, of any serious and structured approach to maintaining the Romany language within the Slovenian legal framework, several elements collected by the Committee of Experts during the "on-the-spot" visit or subsequently brought to its attention, suggest the existence of serious problem areas. While in the area of Novo Mesto the use of the Romany language at school amongst Roma children is usually tolerated, in the area of Krško (bordering on Croatia) Roma children are either discriminated against or plunged into a totally Slovenian-speaking environment without any assistance. Slovenian-speaking teachers feel uncomfortable about the use within the school premises of a language they cannot understand and sometimes the use of the Romany language within such premises is simply forbidden (in one case reported to the Committee of Experts, this apparently concerned an assistant in charge of communicating with the school's Roma children). Furthermore, in addition to a shortage of textbooks, there is a distinct lack of teachers with a command of the Romany language or basic knowledge of the Roma people and culture, as well as of teachers from the Roma community itself. In some areas this situation is apparently having very negative short-term consequences for maintenance of the language. Novo Mesto was put forward as an example, as the Roma children there are beginning to speak a mixture of the Romany language and Slovenian, with the addition of even a number of Croatian words.

88. The Committee of Experts would like to recall the complexity of the Romany language situation and that the linguistic issues have to a large extent social and cultural dimensions, making it difficult to address the former while ignoring the latter. Indeed, the Committee of Experts considers that a language maintenance policy cannot conform with the Charter and produce results unless basic measures of a different character are taken (see the second evaluation report of the Committee of Experts on the implementation of the Charter by Hungary, ECRML (2003) 6, paras. 45 and 46). The Committee of Experts notes from the information received that the Slovenian Government is very aware of the socio-economic factors affecting the Roma communities in Slovenia. However, integration under the Charter must enable both full participation in economic, social and political life and the opportunity to preserve one's linguistic and cultural identity (see the second evaluation report of the Committee of Experts on the implementation of the Charter by Hungary, cited above, para. 43).

89. While it is clear that the linguistic issues concerning Roma people cannot be divorced from their socio-economic context, the opposite may also be true. Indeed, on the basis of the information made available to the Committee of Experts, it would appear that there is a widespread lack of self-esteem amongst the Roma people, which results in their distancing themselves from their original culture, language included. The Committee of Experts considers that the prestige attached to the Romany language could be raised by protection and promotion measures, and these would in turn help the self-esteem of Roma people, and consequently their integration into Slovenian society, without giving up their cultural and linguistic identity.

90. The Government informed the Committee of Experts of a special working group for preparing a strategy for including Roma in education, set up in December 2002. The Committee of Experts believes nonetheless that there is an urgent need to adopt programmes for developing the Romany language, such as proper provision of teaching in and of the language, coupled with a substantial investment in teacher training. This would be a positive move towards attaching a positive value to preserving the Romany culture and language, and would bring with it a great potential also from the point of view of social integration and of the related economic benefits. However, to encourage the Slovenian majority population to look more positively at the Romany language and culture, and to view it as an integral part of Slovenian cultural wealth, more general measures are needed, particularly which conform with the purpose and spirit of paragraphs 1.a and 3 of Article 7. The Slovenian authorities should work at promulgating a more positive image of this language and culture in the media, particularly the national media, and increasing their visibility and prestige in the national curriculum (and, where appropriate, in the curriculum of the other minorities present in Slovenia as well). In this respect, it is worth stressing that during the "on-the-spot" visit, in an elementary school in Ljubljana, the Committee of Experts observed that a number of Slovenian-speaking pupils did not immediately list Roma people as belonging to the minorities in Slovenia .

91. It should be added that during the "on-the-spot" visit the Government referred to 2 aspects hampering education of and in the Romany language : the lack of standardisation of the language and the different varieties of the language spoken in Slovenia. The Committee of Experts is fully aware of these factors and of the related difficulties, since they resemble difficulties experienced in other countries. However, the Committee of Experts is not persuaded that lack of standardisation is justification enough for the failure to offer education in and of Romany. Standardisation is undoubtedly a crucial step in the teaching of a language, especially for the higher levels, and in the long run there should be a generally accepted standard language form. Moreover, the Committee of Experts believes that standardisation should be sought at European level, in close co-operation with the Roma representatives and other European States concerned, to avoid a purely 'national' standardisation which could risk cutting ties with other Roma communities throughout Europe. In the meantime, although still at a rudimentary stage, while standardisation is pursued teacher training could be improved and local varieties of the Romany language could be used in primary schools on a more organised basis (see the second evaluation report of the Committee of Experts on the implementation of the Charter by Hungary, ECRML (2003) 6, para. 50).

In conclusion, the Committee of Experts encourages the Slovenian authorities to:

- ***adopt positive measures aimed at countering any forms of intolerance towards the Romany language and culture;***
- ***engage in a standardisation process of Romany, in close co-operation with the Roma representatives and, preferably, with the other European States concerned, with a view to contributing to a common European enterprise aimed at achieving a common European standardisation;***
- ***take measures to introduce and further develop the provision of teaching of and in the language especially in the lower grades and to substantially invest in teacher training even while the standardisation process is under way;***
- ***adopt provisions and measures aimed at improving the image attached to Roma culture in Slovenian society, especially in the media and in the educational system addressing the Slovenian-speaking majority population.***

2.3. Evaluation in respect of Part III of the Charter

92. The Committee of Experts has examined in more detail the protection of the Hungarian and Italian languages, which are the languages identified by Slovenia under the protection mechanism of Part III of the Charter. The paragraphs and sub-paragraphs that are quoted in bold italics are the actual obligations chosen by Slovenia (or applied by the Committee of Experts “ex officio” in the specific cases dealt with below, in paras. 93-95, 132-134, 167-169 and 206-207 respectively).

2.3.1. Hungarian

Article 8 – Education

Preliminary remarks

93. The Committee of Experts observed that in the case of sub-paragraphs a. and c. of paragraph 1 of Article 8 of the Charter, Slovenia did not specify, in its instrument of ratification, which of the three options available under each one of the sub-paragraphs mentioned above should apply. In fact, the three options listed in the above-mentioned sub-paragraphs are alternatives and Contracting Parties are required to opt for one of them.

94. According to the practice of the Committee of Experts, in the absence of a choice by the State where several options are available, the highest option from the point of view of the protection and promotion of the language shall normally be applied “ex officio”, unless specific circumstances make the highest option appear as manifestly incompatible with the needs of the regional or minority language concerned and/or with the expressed wishes of the speakers (see for example the second evaluation report of the Committee of Experts on the implementation of the Charter by Hungary, cited above, para. 95).

95. As was already mentioned above (see para. 12), the model chosen for education in and of Hungarian in the Prekmurje region is a bilingual one, the details of which will be explained later on for each of the relevant options. This model was primarily chosen because in the mid-1950s, a considerable number of Hungarian-speaking pupils were no longer enrolling in Hungarian-speaking schools. In order to curtail this trend, mandatory bilingual education was introduced for all the pupils in the area, including the ethnic Slovene pupils, and this solution was supported by the Hungarian-speaking community itself (see also para. 12 above). The existing education model for the Hungarian language actually corresponds to the second option listed in the relevant sub-paragraphs, as opposed to that offering the highest degree of protection and promotion. If the Committee of Experts applied the latter option, this would imply a return to the pre-1959 situation (characterised by the presence of Hungarian-speaking schools). However, Hungarian speakers themselves consider this as damaging for the maintenance of their language. As a result, the Committee of Experts decided to apply the second option listed, since in the case of the Hungarian language in Slovenia applying the highest one would appear manifestly incompatible with both the specific needs of this language and with the expressed wishes of its speakers.

96. The Committee of Experts noted further that Slovenia did not enter into any of the undertakings concerning primary education (Article 8 para. 1.b). However, the Slovenian Government nevertheless commented on this undertaking in the initial periodical report (see in particular pp. 9 and 11). In this respect, the Committee of Experts would like to recall the indispensable role played by education in language preservation and that continuity in education is of the utmost importance if it is to be successful (see also, *mutatis mutandis*, the first evaluation report of the Committee of Experts on the implementation of the Charter by Germany, ECRML (2002) 1, Finding J.). The Committee of Experts would therefore encourage Slovenia to consider extending the ratification to cover primary education.

"Paragraph 1

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

- a**
 - i* to make available pre-school education in the relevant regional or minority languages; or
 - ii** **to make available a substantial part of pre-school education in the relevant regional or minority languages;"**

97. According to the initial periodical report (see p. 10), there are six bilingual kindergartens in the "ethnically mixed area" of Prekmurje. In some cases they have a building of their own (like in Lendava/Lendva) whereas in other cases they share the same building with the corresponding primary school (like in Dobrovnik/Dobronak). As an example of the method used in the bilingual kindergartens, in Lendava/Lendva each child is followed by a Hungarian-speaking nurse and a Slovenian-speaking nurse, so that the principle "one person, one language" is strictly applied. The Committee of Experts considers that this undertaking is fulfilled.

- "c**
 - i* to make available secondary education in the relevant regional or minority languages; or
 - ii** **to make available a substantial part of secondary education in the relevant regional or minority languages;"**

98. The only bilingual secondary school is situated in Lendava/Lendva. According to the information collected by the Committee of Experts during the "on-the-spot" visit and to the information provided by the Government, the bilingual model used in this school operates as follows. For three topics (History, Geography and History of Art) a part of the course, in addition to the basic course in Slovenian, is also taught in Hungarian for those pupils who choose this option. All other subjects are taught following a special bilingual method whereby in the same lecture, concepts and notions are set out and explained alternating sentences in Hungarian (for approximately 30% of the lecture) with sentences in Slovenian. Final exams can be taken in Hungarian for a limited number of subjects for those students who so choose. Textbooks in Hungarian or bilingual textbooks seem to be largely available. Some of them are provided by the Hungarian Government. Teachers in the bilingual school receive a 20% wage increase.

99. The Committee of Experts notes that one of the main concerns raised by one of the teaching staff representatives in this respect was the shortage of teachers able to conduct bilingual teaching. An additional problem brought to the attention of the Committee of Experts concerned transportation to and from the school from villages in the area. In this respect, according to the information provided by the Slovenian Government, 17% of the travel costs to and from the school for all secondary school students in Slovenia is subsidised by the Ministry of Education, Science and Sport.

100. The Committee of Experts considers that this undertaking is fulfilled. However, it encourages the Slovenian authorities to further facilitate student travel to and from the secondary school of Lendava/Lendva.

- "d**
 - i* to make available technical and vocational education in the relevant regional or minority languages; or
 - ii** **to make available a substantial part of technical and vocational education in the relevant regional or minority languages;"**

101. Article 8 of the Law on Vocational and Professional training states as follows:

"Language of instruction in vocational or professional training shall be Slovene. In vocational and professional schools of the national community, the language of instruction shall be Italian, while in bilingual vocational and professional schools it shall be Slovene and Hungarian. (...)"

102. According to the information provided by the Slovenian Government, the bilingual secondary school of Lendava/Lendva includes several technical or vocational classes (economics, mechanical engineering and commerce). The Committee of Experts considers that this undertaking is fulfilled.

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

103. According to the initial periodical report (see p. 12), the demographic structure does not facilitate university studies in Hungarian. The Hungarian language and culture may however be studied at the University of Maribor and the University of Ljubljana. Under a bilateral agreement on special rights for the Slovene minority living in Hungary and for the Hungarian national community in Slovenia, and the Agreement on Co-operation in the Fields of Culture, Education and Science concluded between Slovenia and Hungary in 1992, further demand for Hungarian studies may be met by universities in Hungary. The Agreement between Slovenia and Hungary on Mutual Recognition of Certificates and Diplomas concluded in 1999 and ratified by Slovenia in 2000 is also relevant.

104. The Committee of Experts considers the framework sufficient for the purpose of the undertaking entered into by Slovenia in this respect. However, the Committee of Experts received complaints that, with few exceptions, the procedure for recognising university diplomas obtained in Hungary is far too long and that the minimum delay of two months, referred to in the information provided by the Slovenian Government, is often exceeded. It was also stressed, by a prominent representative of the Hungarian-speaking minority, that this delay can have negative repercussions for the possibility of well-educated, Hungarian-speaking young people to stay in Slovenia. The Committee of Experts believes this latter element to be of particular importance for the specific context of the Hungarian language.

105. The Committee of Experts considers the undertaking to be fulfilled but encourages the Slovenian authorities to accelerate the procedure for recognition of diplomas obtained in Hungary.

"f iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;"

106. According to the information provided by the Slovenian Government, every year the Ministry of Education, Science and Sport issues a public tender for the co-financing of adult education. A call to set up "study circles" is also made and different educational institutions, such as peoples' universities and libraries, may apply as providers. Furthermore, a programme for improving Hungarian for adults is being run in Ljubljana, Lendava/Lendva and Murska Sobota. The Committee of Experts considers that this undertaking is fulfilled.

"g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

107. At the bilingual secondary school of Lendava/Lendva, students opting for additional teaching of History, Geography and History of Art in Hungarian, are also taught elements of History and History of Art of the Hungarian-speaking people. The Committee of Experts considers that this undertaking is fulfilled.

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

108. In the initial periodical report (see p. 12), the Slovenian Government referred to the teacher training arrangements in operation for university education and mentioned that teachers in bilingual kindergartens and primary schools may be educated in particular at the University of Maribor.

109. The Slovenian Government provided information on a system of permanent vocational training for teaching staff. Under this system, teachers may select a programme from a catalogue of programmes published annually, according to their requirements and wishes. When the need for a certain type of education is established in a particular field, advisers from the National Education Institute draft a proposal for adoption, which may then be adopted by the Programme Council and listed in the catalogue. Programmes in the field of education relating to different nationalities are financed entirely by the Ministry.

110. However, no figures were forthcoming as to the number of teachers educated at the University of Maribor or the programmes concretely adopted and carried out under the above-mentioned scheme. Furthermore, the difficulties arising from the recognition of diplomas obtained in Hungary, as reported to the Committee of Experts (see para. 104 above), may have negative repercussions for the regular provision of teachers, which, as was stressed to the Committee of Experts during its “on-the-spot” visit, is essential if the bilingual system is to work.

111. The Committee of Experts considers that the information at its disposal did not enable it to reach a conclusion on this point. It therefore encourages the Government to provide further information, particularly on the number of teachers trained to teach in the secondary bilingual school of Lendava/Lendva and on the programmes concretely carried out.

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

112. According to the information provided by the Slovenian Government, the Expert Council of the Republic of Slovenia for General education is the highest level expert body in the field of education. It sets out the education programmes for members of the Hungarian national community and offers expert assistance in adopting decisions and drafting regulations. The Commission for Minority Education set up within the Council, drafts proposals “for expert material to be dealt with by the Council”. The Inspectorate for Education and Sport of the Republic of Slovenia is responsible for monitoring the implementation of acts in education institutions.

113. The Committee of Experts observes that this undertaking requires a body dedicated to looking at the teaching of regional or minority languages. It would appear from the information provided, that the bodies referred to by the Government do not perform this specific task. Furthermore, the Committee of Experts has neither received nor seen any periodic reports of the kind referred to in the undertaking. The Committee of Experts is therefore not in a position to conclude that this undertaking is fulfilled and encourages the Slovenian authorities to provide further information in the next periodical report.

***“Paragraph 2*”**

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.”

114. According to the initial periodical report (see p. 12), members of the Hungarian nationality may learn Hungarian in Murska Sobota if they so wish. A Hungarian language course in this town is organised if at least seven students have applied for the course. On the other hand, Article 9 of the Act governing the special educational rights of members of the Italian and Hungarian national communities states as follows:

“For the students and apprentices who have finished elementary school in the language of a national community or bilingual elementary 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 five students or apprentices wish to attend it, and shall be tuition free. A group of students or apprentices may also consist of students or apprentices studying in different educational programmes in different schools in the same town.”

115. According to the Slovenian Government, the difference in the minimum number of students as required in Murska Sobota and as required by the provision mentioned above may be explained by the fact that the competent authority in Murska Sobota set its own minimum number.

116. The Committee of Experts considers this undertaking fulfilled in the case of Hungarian. It would, however, welcome further information, in the next periodical report, on concrete examples showing the degree of practical implementation of the existing framework. Furthermore, the Committee of Experts encourages the Slovenian authorities to ensure that the minimum number provided for by the law (five students) is also applied in Murska Sobota.

Article 9 – Judicial authorities

"Paragraph 1

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

- a in criminal proceedings:***
 - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages;***
if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;
- b in civil proceedings:***
 - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages;***
if necessary by the use of interpreters and translations;
- c in proceedings before courts concerning administrative matters:***
 - i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages;***
if necessary by the use of interpreters and translations;
- d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned."***

117. The numerous provisions applicable in this field are referred to in detail in the initial periodical report (see pp. 15-17). The general provision is Article 5 of the Courts Act, which stipulates as follows:

"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 or 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."

118. In substance, proceedings may be conducted monolingually in Hungarian if the party or parties to the proceedings use Hungarian. Bilingual proceedings would ensue, however, if one of the parties were Slovenian-speaking. Court records and decisions would be drafted also in Hungarian.

119. However, the use of Hungarian, alone or together with Slovenian in bilingual proceedings, during proceedings is only possible if the judge concerned has passed a special exam in Hungarian. This also applies to the court staff. Qualifications for conducting bilingual proceedings are awarded with a special bonus. If that is not the case, under Article 68 of the court rules, the judge may have recourse to interpretation (which would, in any event, apply in bilingual proceedings with regard to testimonies, statements, etc. in a language that one of the parties did not understand; see p. 16 of the initial periodical report, footnote). In any event, all the related costs are borne by the Court's funds and, where appropriate, it is explicitly stated in the initial acts of the proceedings that Hungarian may be used.

120. The Government referred to 765 court decisions issued in Hungarian and 651 hearings conducted in this language from 1991 to 1998, as well as to 308 decisions issued in Hungarian and 294 hearings conducted in this language in the period 1999-2002. The Government did not specify, however, how many of these proceedings actually concerned members of the Hungarian-speaking community living in the Prekmurje region.

121. The Committee of Experts acknowledges the efforts made by the Slovenian authorities in this field. However, information collected by the Committee of Experts during the “on-the-spot” visit, shows that Hungarian is at present not used in the courts. It was explained to the Committee of Experts that the reason for this is twofold: there are currently no judges in the Prekmurje region with the necessary qualifications for conducting proceedings involving the use of Hungarian, as there seems to have been in the past, and the shortage of lawyers able to assist their clients in Hungarian. Furthermore, it would appear that documents in Hungarian are generally rarely submitted.

122. The Committee of Experts considers these undertakings at present to be formally fulfilled, but would add that there is a need to strengthen the measures aimed at ensuring implementation of these undertakings in practice. It is the Committee of Experts’ view that one possible way to change the present situation could be to encourage the speakers to use and ask for the Hungarian language to be used in the courts, but this would seem to require the availability of lawyers with a command of Hungarian.

The Committee of Experts encourages the Slovenian authorities to take measures to facilitate the use of Hungarian in courts.

"Paragraph 2

The Parties undertake:

- a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language;"***

123. On the basis of the information provided by the Government, it would appear that there is no provision denying the validity of legal documents drafted in Hungarian and, on the contrary, a number of provisions explicitly provide for this possibility. The Committee of Experts considers, therefore, that this undertaking is fulfilled.

Article 10 – Administrative authorities and public services

"Paragraph 1

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

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

124. The initial periodical report (see pp. 19-20) referred to a number of provisions explicitly providing for the use of Hungarian by administrative authorities. Amongst others, chapter IV of the General Administrative Procedure Act provides that in municipalities where Slovene, Italian and Hungarian all have the status of official language, an administrative procedure may be conducted in any one of these languages. The language used will depend on the language in which a party has filed the request instituting the proceedings, or may change at any point during the procedure, at the request by any of the parties. According to Article 4 of the Public Administration Act, 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 or Hungarian. Where in the initial stage the administrative body has conducted a procedure in Italian and Hungarian, any decision at second instance shall be issued in the same language. Furthermore, Article 5 para. 4 of the State Employees Act stipulates that a good command of the Slovene language is a prerequisite for the senior civil servants, civil servants, and for those specialised staff and technical assistants who have direct contact with parties. However, in areas where the equal status of Italian and Hungarian is provided by law, knowledge of these languages is also required, and is rewarded with a financial incentive (6% salary increase for active knowledge and 3% salary increase for passive knowledge). Specific provisions are also present in the statutes of the municipalities concerned.

125. The high level of this legal framework is reflected in the high undertaking entered into by Slovenia under the Charter. However, as far as the practice in the case of Hungarian is concerned, the Committee of

Experts did not receive enough information on the use of Hungarian in local branches of State administration which would enable it to conclude that this undertaking is fulfilled.

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

126. A number of provisions provide for bilingual common administrative documents such as birth and marriage certificates, identity cards, call-up notice for servicemen, etc. (see p. 21 of the initial periodical report).

127. As far as the practical implementation is concerned, in the case of Hungarian the little information provided to the Committee of Experts would seem to indicate that this provision is effectively implemented at the level of the municipal administrations. On the other hand, it would seem that some difficulties arise as to the documents and forms issued by the local branches of the State administration. Tax documents was an example brought to the attention of the Committee of Experts. It would seem that the introduction of a bilingual version required a great deal of work on the part of a prominent representative of the Hungarian-speakers. The Committee of Experts is of the opinion that the few elements at its disposal do not enable it to conclude on this undertaking. It therefore encourages the Slovenian authorities to provide more information, in the next periodical report, on the practical implementation of the undertaking as far as the local branches of the State administration are concerned.

"c to allow the administrative authorities to draft documents in a regional or minority language."

128. The Committee of Experts received no information in this respect and cannot, therefore, conclude on this undertaking. It therefore encourages the Government to provide further information in the next periodical report.

"Paragraph 2

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

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

129. The statutes of the municipalities concerned contain specific provisions which correspond to these undertakings (Article 61 of the municipality of Hodoš/Hodos states, for example, that "municipal authorities and all public services conduct their business in the area of the municipality in the Slovene and Hungarian languages. (...)"); see also the initial periodical report, pp. 19-22). The limited information received by the Committee of Experts, essentially during the "on-the-spot" visit, indicates that as far as the municipal administrations are concerned, this undertaking appears to be fulfilled in practice too and no serious complaint was brought to its attention in this respect. However, the Committee of Experts would welcome further information and examples on their practical implementation in the next periodical report.

"c the publication by regional authorities of their official documents also in the relevant regional or minority languages;

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

130. There are no regional authorities in the areas concerned. These two undertakings are therefore redundant in the case of Slovenia.

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

131. The statutes of the municipalities concerned contain specific provisions to this effect (Article 88 of the Statute of the municipality of Dobrovnik/Dobronak, for example, states that "(i)n the ethnically mixed area, sign boards designating settlements, streets, announcements, notices, and warnings as well as other public signs shall be bilingual. (...)"; see also the initial periodical report, p. 18, also in footnote) and the Committee of Experts did not receive any information about any derogations to the rules. The Committee of Experts therefore concludes that this undertaking is fulfilled.

"Paragraph 3

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

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

132. The Committee of Experts observes in the first place that in the case of sub-paragraphs a., b. and c. of paragraph 3 of Article 10 of the Charter, Slovenia did not specify, in its instrument of ratification, which of the three options available under each one of the sub-paragraphs mentioned above should apply. In fact, the three options listed in the above-mentioned sub-paragraphs are alternatives and Contracting Parties are required to opt for one of them.

133. According to the practice of the Committee of Experts, in the absence of a choice by the State where several options are available, the highest option from the point of view of the protection and promotion of the language shall normally be applied "ex officio", unless specific circumstances make the highest option appear as manifestly incompatible with the needs of the regional or minority language concerned and/or with the expressed wishes of the speakers (see for example the second evaluation report of the Committee of Experts on the implementation of the Charter by Hungary, cited above, para. 95).

134. In this case, the Committee of Experts sees no reason to depart from its usual practice and will therefore apply the highest option. However, the Committee of Experts did not receive any information in this respect and is therefore not in a position to conclude on this undertaking. It therefore encourages the Government to provide substantial information in the next periodical report.

"Paragraph 4

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

a translation or interpretation as may be required;

b recruitment and, where necessary, training of the officials and other public service employees required;

c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used."

135. The Committee of Experts observes that the degree of fulfilment of these undertakings is closely linked to that of the undertakings to which this provision refers, i.e. those embodied in paragraphs 1 to 3 of Article 10, in the sense that the degree of fulfilment of the former has direct repercussions on that of the latter.

136. The Committee of Experts therefore concludes that on the basis of the information at its disposal this undertaking may be considered as fulfilled in the case of administrations at municipal level, but it is not in a position to conclude as far as local branches of the State administration are concerned. Therefore, it encourages the Slovenian authorities to comment further on these undertakings in the next periodical report.

"Paragraph 5

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned."

137. According to Article 3 of the Personal Name Act, "(t)he 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". This provision is also reflected in specific provisions contained in the statutes of the municipalities concerned. The Committee of Experts considers that on the basis of the information made available to it this undertaking is fulfilled.

Article 11 – Media

"Paragraph 1

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

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

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

138. The initial periodical report refers to the numerous provisions which apply to the media *inter alia* for the Hungarian language (see especially pp. 23 and 26). However, the situation on the ground only partly corresponds to the undertaking entered into by Slovenia.

139. As far as the radio is concerned, the Hungarian language can rely on a radio station (established in 1958 as part of Radio Murska Sobota). The autonomous studio subsequently set up in Lendava/Lendva currently broadcasts 13 hours and 15 minutes a day, which is far beyond the adopted legal standard (2 hours a day), and on its own frequencies. Despite some staff shortages, plans for the strengthening of the infrastructure are under way.

140. In the case of television, although a certain amount of time is granted to programmes in Hungarian (2 hours per week divided into 4 slots of 30 minutes each, being below the adopted legal standard of 30 minutes per day), these programmes are broadcast in the context of one of the Slovenian-speaking channels. The Committee of Experts was also informed that a new television studio is being set up in Lendava/Lendva and that the equipment is being renewed, although this has not yet led to the establishment of a proper television channel.

141. The Committee of Experts therefore concludes that this undertaking is fulfilled as regards radio but it is not fulfilled in respect of television.

The Committee of Experts encourages the Slovenian authorities, in close cooperation with the speakers, to consider ways for moving towards proper implementation of this undertaking with regard to television and to take interim measures to increase the level of programming.

"e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;"

142. According to the initial periodical report (p. 25) and to the additional information provided by the Government, the latter co-finances the newspaper *Népújság*, published on a weekly basis, the literary periodical *Muratáj* and the almanac *Naptár*. The Committee of Experts considers that this undertaking is fulfilled.

"Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

143. According to the information collected by the Committee of Experts, most of the channels from Hungary can be received in the relevant region. Some problems still affect the re-transmission in Slovenia of cable-TV programmes from Hungary, but the speakers themselves attribute these difficulties to restrictions existing in Hungarian legislation. The Committee of Experts considers that this undertaking is fulfilled.

"Paragraph 3

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

144. Hungarian speakers are represented on the channel board for radio and television channels for the Hungarian national minority. This board is competent, *inter alia*, to discuss with the Board of the Slovenian radio and television broadcasting corporation ("RTV Slovenija") issues relevant to the national community channels (see p. 25 of the initial periodical report, also in footnote no. 66). Under Article 54 of the Articles of Association of the Public Institution RTV Slovenija, this board is set up by the Board of RTV Slovenija and consists of five members appointed by the Hungarian self-governing national communities and two appointed by the Board of RTV Slovenija. The Committee of Experts considers that this undertaking is fulfilled.

Article 12 – Cultural activities and facilities

"Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;"

145. According to the information provided by the Government (see also the initial periodical report, pp. 27-29), a special programme run by the Ministry of Culture includes a chapter on "Activities for the preservation of a language". Under this chapter, the Ministry promotes initiatives relating to minority languages, such as lectures, language Summer camps, literary competitions, etc. With regard to libraries, under Articles 16 and 25 of the new Librarianship Act, services for members of the Hungarian national community may be provided in general libraries located in the "ethnically mixed areas". The Ministry of Culture is also co-financing the building of the Lendava/Lendva Cultural Centre. The Committee of Experts considers that this undertaking is fulfilled.

d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;"

146. According to the information provided by the Government (see also the initial periodical report, pp. 27-29), the Ministry of Culture, in line with the set objectives of the minority cultural policy, ensures that its

department responsible for minorities encourages the persons responsible for organising and directly implementing cultural projects to focus on preserving the language as well. The Committee of Experts considers this undertaking fulfilled.

"e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;"

147. According to the information provided by the Government, staff with a command of Hungarian are employed in the Office for Culture of the Hungarian National Community, the Lendava/Lendva Gallery-Museum and the Lendava/Lendva Office for Information. The Committee of Experts therefore considers that this undertaking is fulfilled.

"f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;"

148. According to the information provided by the Government, the department responsible for minorities within the Ministry of Culture always ensures the participation of representatives of the Hungarian-speaking community in the preparatory part of the decision-making process: from principles, objectives and criteria to actual programmes and their evaluation. The Committee of Experts considers this undertaking fulfilled.

"Paragraph 2

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

149. According to the information provided by the Government, cultural activities, financed from the funds of the Ministry of Culture, may also be carried out in the areas where minority languages are not traditionally used, as long as they are in accordance with the set objectives of the minority cultural policy and the financial means are available. However, no concrete example was quoted. It is also worth noting, in this respect, that the Government itself made reference, in the initial periodical report (see p. 29), to the fact that available funds do not suffice for the extension of cultural activities beyond the community itself. The Committee of Experts considers that, on the basis of the information received, this undertaking is not fulfilled.

"Paragraph 3

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

150. According to the Government, in its cultural policy on international co-operation, the Ministry of Culture invited the department responsible for minorities to the drafting of international agreements. The department in this way forwards information on the needs of minorities in the context of international cultural co-operation. In addition, representatives of the minorities in charge of submitting proposals for programmes are regularly invited to outline such needs in their annual programmes.

151. The Committee of Experts firstly observes that the information provided is insufficient to assess the concrete results of the consultations in relation to international cultural co-operation, as referred to by the Government, although the initial periodical report refers to the co-organisation in 2000 with the Council of Europe, of an international seminar on the public authority instruments in the area of the protection of minority cultural rights (see p. 28). The Committee of Experts would secondly underline that the present provision is not concerned solely with the drafting of general international instruments in the cultural field or general international workshops, but also, and above all, concerns the way in which the country presents its own linguistic and cultural heritage abroad (e.g., cultural exchanges, how regional or minority languages spoken in Slovenia and their cultures are referred to in European or international exhibitions and events, documentation on the country aimed at an international public, use of bilingual place-names on the official maps and in official brochures and guides used to promote the image of the country abroad, *inter alia* for touristic purposes, etc.). Indeed, the spirit of this undertaking is in particular to encourage a country to present or promote itself abroad, or in front of an international audience, in a manner other than as it was a monolingual or a monocultural country.

152. The Committee of Experts, on the basis of information made available to it, is unable to conclude on this undertaking and encourages the Slovenian authorities to provide, in the next periodical report, concrete information on the measures taken to fulfil the objectives of this undertaking.

Article 13 – Economic and social life

"Paragraph 1

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

- a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;"***

153. The Committee of Experts is not aware of any legal act or regulation in conflict with these provisions. On the contrary, the statutes of the municipalities concerned contain specific provisions requiring, for example, enterprises, economic organisations and private businesses, *inter alia*, to use bilingual signboards (Article 88 of the Statute of the municipality of Dobrovnik/Dobronak, for example, states that "(...) (i)n 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."; see also the initial periodical report, p. 18, footnote no. 34). The Committee therefore considers that this undertaking is fulfilled.

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

154. The Committee of Experts has not received any specific information concerning the implementation of this undertaking and it encourages the Slovenian authorities to provide information in the next periodical report.

- "c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;***
- d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs."***

155. The statutes of the municipalities concerned contain specific provisions to the effect of the undertakings listed above. However, according to the information received by the Committee of Experts from various sources, these provisions are only occasionally respected in practice and complaints were received that in private firms, using the Hungarian language could hamper a speaker's career. Furthermore, no information was provided by the authorities as to the situation in the rest of the country with regard to these undertakings.

156. It is a fact that the economic situation of the Prekmurje region is affected by a high rate of unemployment. During the "on-the-spot" visit, some of the mayors concerned conceded that bilingualism in the private sector is not always put into practice but added that they hesitate to impose standards in this field for fear of discouraging private investments, which in the current negative economic climate are sorely needed. Local authorities are therefore very much concerned to give an image of openness and receptivity rather than of particularism and intolerance.

157. The Committee of Experts is fully aware of the difficulties in pursuing a policy of bilingualism in the private sector, given the specific social and economic context affecting the Prekmurje region. The Committee of Experts has also a certain understanding for the argument, put forward once again by some of the mayors concerned, according to which it is preferable to resort to persuasion through recommendations, rather than to coercion, which could run the risk of discouraging the much needed investments in the area. However, the Committee of Experts considers that more needs to be done and encourages the Slovenian authorities to take their approach towards effectiveness a step further by considering how to introduce incentives for private firms or organisations which would encourage them more strongly to implement bilingualism. In the difficult context of the Prekmurje region, municipalities could of course be supported by the State in this respect.

158. Furthermore, the Committee of Experts observes that bilingualism could serve as an asset for developing economic synergies across the border with Hungary, in particular by making the region attractive for

Hungarian investors, which could in turn increase the economic activity and have knock-on positive effects for all the economic actors present in the area. In other words, this could create investment and job opportunities from which would benefit not only the population living in the area but also the business activities of firms settling in the area from within Slovenia. In this perspective, transfrontier co-operation, including with a view to strengthening the linguistic dimension, discloses all its importance, even more so considering the imminent accession to the European Union of both Slovenia and Hungary. As the Commission of the European Communities recently stated in its Communication of 24 July 2003 to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions, linguistic skills greatly contribute to effectiveness in the global market-place (see COM (2003) 449, especially p. 3).

159. The Committee of Experts concludes that these undertakings are only partly fulfilled.

The Committee of Experts encourages the Slovenian authorities to further implement these provisions and in particular to introduce incentives for private firms and organisations to implement bilingualism in the Prekmurje region and in this respect to provide the appropriate assistance to the municipalities concerned.

"Paragraph 2

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

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

160. It does not appear that any such provisions exist in the regulations referred to in this provision. The Committee of Experts considers that this undertaking is not fulfilled.

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

161. The Committee of Experts did not receive any specific complaints concerning the economic and social sectors directly under the control of the authorities. However, the absence of information does not enable the Committee of Experts to conclude on the fulfilment of this undertaking and the Slovenian authorities are encouraged to provide the relevant information in the next periodical report.

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

162. According to the information received, there is a retirement home in Lendava/Lendva and persons can be received in Hungarian there. There isn't a hospital in the relevant area, although according to the information received from the representatives of the speakers and of local authorities the nearest hospital, located in Murska Sobota, offers the possibility of being received and treated in Hungarian too. The Committee of Experts considers that this undertaking is fulfilled.

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

163. The Committee of Experts received very little information on this point. It would appear, however, that a number of drugs contain instructions only in Slovenian, although staff in pharmacies are usually capable of communicating in Hungarian too. The Committee of Experts considers that the information received is insufficient to conclude on this undertaking and encourages the Slovenian authorities to provide the relevant information in the next periodical report.

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

164. The Committee of Experts did not receive any information in this respect and is therefore not in a position to conclude on this undertaking. The Slovenian authorities are encouraged to provide the relevant information in the next periodical report.

Article 14 – Transfrontier exchanges

"The Parties undertake:

a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;"

165. Several bilateral agreements were concluded with Hungary (such as the Agreement on Co-operation in the Fields of Culture, Education and Science concluded between Slovenia and Hungary in 1992, the bilateral agreement on special rights for the Slovene minority living in Hungary and for the Hungarian national community in Slovenia concluded in 1993, the Agreement on Friendship and Co-operation between the Republic of Slovenia and the Republic of Hungary also concluded in 1993, and the Agreement between Slovenia and Hungary on Mutual Recognition of Certificates and Diplomas concluded in 1999). The Committee of Experts considers that this undertaking is fulfilled.

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

166. The Government provided very little information in this respect. The Committee of Experts is therefore not in a position to conclude on this undertaking and encourages the Slovenian Government to provide more information in the next periodical report.

2.2.2. Italian

Article 8 – Education

Preliminary remarks

167. The Committee of Experts observes in the first place that in the case of sub-paragraphs a. and c. of paragraph 1 of Article 8 of the Charter, Slovenia did not specify, in its instrument of ratification, which of the three options available under each one of the sub-paragraphs mentioned above should apply. In fact, the three options listed in the above-mentioned sub-paragraphs are alternatives and Contracting Parties are required to opt for one of them.

168. According to the practice of the Committee of Experts, in the absence of a choice by the State where several options are available, the highest option from the point of view of the protection and promotion of the language shall normally be applied “ex officio”, unless specific circumstances make the highest option appear as manifestly incompatible with the needs of the regional or minority language concerned and/or with the expressed wishes of the speakers (see for example the second evaluation report of the Committee of Experts on the implementation of the Charter by Hungary, cited above, para. 95).

169. In the case of the Italian language, the Committee of Experts sees no reason to depart from its usual practice and will therefore apply the highest option which, as will be explained shortly, actually corresponds to the situation on the ground.

170. The Committee of Experts notes further that as in the case of Hungarian, Slovenia did not enter into any of the undertakings concerning primary education for the Italian language (Article 8 para. 1.b). The Slovenian Government nevertheless commented on this undertaking in the initial periodical report in relation to both languages (see in particular p. 13). The Committee of Experts recalls once more that education plays an indispensable role in language preservation (see, *mutatis mutandis*, the first evaluation report of the Committee of Experts on implementation of the Charter by Germany, cited above, Finding J.). The Committee of Experts would therefore encourage Slovenia to enter into this undertaking in respect of the Italian language, as Article 3 para. 2 of the Charter would allow it to do, particularly since the situation on the ground for Italian seems to indicate that this undertaking is already fulfilled. The Committee of Experts therefore encourages Slovenia to consider extending the ratification to cover primary education.

171. As additional introductory remarks, it can be added that the model of education for the Italian language is radically different from that used for the Hungarian language, owing to historical reasons. In fact, almost all the schools for the Italian-speaking minority were already used by the Italian-speaking population before the region passed under Yugoslav control at the end of the second world war (see para. 15 above), and some of these schools are actually several hundred years old (the “Ginnasio Gian Rinaldo Carli”, for example, recently celebrated 500 years). An annex to the Special Statute on minorities, which formed part of the London Memorandum of 1954 (see para. 51 above), listed all the pre-existing Italian-speaking schools which, according to section 4 of the Special Statute, had to be maintained (the same actually applied also to the pre-existing Slovenian-speaking schools in the region of Trieste/Trst, the administration of which was assigned to Italy by the London Memorandum).

172. The language of instruction in all the schools for the Italian-speaking minority is Italian, and Slovenian is taught three hours per week. Children and pupils who are not from the Italian-speaking community may also enrol in Italian-speaking schools and Slovenia must be praised for leaving this possibility available to parents who are not from the Italian-speaking community (in this respect see also the initial periodical report, p. 14).

“Paragraph 1

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

a i to make available pre-school education in the relevant regional or minority languages;”

173. Nine Italian-speaking kindergartens exist and they are present in all towns where there are Italian-speaking primary schools or their affiliated schools (see p. 13 of the initial periodical report). The Committee of Experts considers that this undertaking is fulfilled.

"c i to make available secondary education in the relevant regional or minority languages;"

174. Two grammar schools exist. These schools follow the Slovenian curriculum but history and geography of Italy are also taught. Some of the textbooks come from Italy and some are translations of Slovenian textbooks. Teachers are paid 15% more salary. According to the information collected by the Committee of Experts during the "on-the-spot" visit, there are sometimes difficulties incurred in getting all the translations of the Slovenian textbooks required for following the official programmes. The Committee of Experts nevertheless considers that this undertaking is fulfilled but encourages the Slovenian authorities to step up efforts in the field of translation of Slovenian textbooks.

"d i to make available technical and vocational education in the relevant regional or minority languages;"

175. One secondary vocational school exists. This school, located in Izola/Isola, offers training for the profession of technician in the fields of economy and commerce, business administration, shop assistance, metal-work and mechanical engineering. The Committee of Experts concludes that this undertaking is fulfilled.

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

176. According to the initial periodical report (see p. 14), students belonging to the Italian-speaking community face a similar situation as their Hungarian counterparts. The Italian language and literature may be studied at the Faculty of Arts in the University of Ljubljana and at the Department for Italian language and literature at the Faculty of Education of the University of Ljubljana, which has a local branch in Koper/Capodistria. Members of the Italian-speaking community may also study in Croatia (in the cities of Pula and Rijeka) or in Italy of course. However, the latter option is the only available for someone wanting to study non-linguistic subjects in Italian. In this case the Agreement on Mutual Recognition of Diplomas, concluded between Slovenia and Italy in 1995, may consequently apply.

177. As for Hungarian (see paras. 103-105 above), this framework may be considered sufficient for the purpose of this undertaking. However, the Committee of Experts did receive complaints in the case of Italian as to the length of the procedure for recognition of diplomas obtained in Italian universities, which in some cases might include exams taken in Slovenia. The Committee of Experts concludes, therefore, that this undertaking is fulfilled but encourages the Slovenian authorities to take the necessary measures for simplifying, where possible, and accelerating the procedure for recognition of university diplomas obtained in Italy.

178. It must finally be added that according to the latest information received by the Committee of Experts, the Slovenian Parliament recently passed a decree for setting up a new university in the coastal area. This university will be located in the city of Koper/Capodistria and will include subjects such as Humanities, Education, Management, Tourism and Medical studies. Apart from the question of the university's name, which will be dealt with later on (see para. 233 below), the establishment of this university is likely to have an impact on the implementation of this undertaking and the Committee of Experts is looking forward to receiving further information in this regard in the next periodical report.

"f iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;"

179. According to the information provided by the Slovenian Government, every year the Ministry of Education, Science and Sport issues a public tender for the co-financing of adult education. A call to set up "study circles" is also made and different educational institutions, such as peoples' universities and libraries, may apply as providers (for example, the Ajdovščina Peoples' University provides a study circle on "Italy: culture and language"). Furthermore, Italian for adults is taught in 16 places all over Slovenia. The Committee of Experts considers this undertaking fulfilled.

"g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;"

180. History of the Italian-speaking people, as well as various aspects of the Italian culture, are taught in particular at secondary school level. The Committee of Experts considers that this undertaking is fulfilled.

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

181. According to the initial periodical report (see p. 14), kindergarten (as well as primary school) teachers may be educated in the university institutions referred to above (para. 176). In some cases Italian teachers selected by the Popular University of Trieste/Trst may enrol as well, in which case the Italian Government pays the difference between the salary they would receive if they were working in Italy and the salary they actually receive in Slovenia. As for further teacher training, according to the information received, courses are organised by the Slovenian State and, in addition, special courses are organised in co-operation with Italian universities. The Committee of Experts considers that this undertaking is fulfilled.

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

182. According to the information provided by the Slovenian Government, the Expert Council of the Republic of Slovenia for General education is the highest expert body in the field of education. It sets out the education programmes for members, *inter alia*, of the Italian national community and offers expert assistance in adopting decisions and drafting regulations. The Commission for Minority Education is organised within the Council and drafts proposals "for expert material to be dealt with by the Council". The Inspectorate for Education and Sport of the Republic of Slovenia is the body responsible for monitoring implementation of acts in education institutions.

183. The Committee of Experts observes that this undertaking requires a body dedicated to looking at the teaching of regional or minority languages. According to the information provided, it does not appear that the bodies referred to by the Government perform this specific task. Furthermore, the Committee of Experts has neither received nor seen any periodic reports of the kind referred to in the undertaking. The Committee of Experts is therefore not in a position to conclude that this undertaking is fulfilled and encourages the Slovenian authorities to provide further information in the next periodical report.

"Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education."

184. Article 9 of the Special Rights of the Italian and Hungarian National Communities in the Field of Education Act, referred to above (see para. 114) and according to which a request by at least 5 students is required for language classes to be set up outside the "ethnically mixed areas", applies also in the case of the Italian language. However, according to the information provided by the Government no interest has currently been expressed for optional classes in Italian. The Committee of Experts concludes that this undertaking is fulfilled but encourages the Slovenian authorities to consider the possibility of introducing a certain degree of flexibility, given the small size of the Italian-speaking community.

Article 9 – Judicial authorities

"Paragraph 1

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

a in criminal proceedings:

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

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

b in civil proceedings:

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

if necessary by the use of interpreters and translations;

c in proceedings before courts concerning administrative matters:

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

if necessary by the use of interpreters and translations;

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

185. The legal provisions applicable in this field are the same as those for the Hungarian language (see also the initial periodical report, pp. 15-17). Thus, the general provision is also Article 5 of the Courts Act, which stipulates as follows:

"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 or 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."

186. In substance, the proceedings may be conducted monolingually in Italian if the party or parties to the proceedings use Italian. Bilingual proceedings are conducted, however, if one of the parties is Slovenian-speaking. Court records and decisions are also drafted in Italian. However, the use of Italian, alone or together with Slovenian in bilingual proceedings, in the conduct of the proceedings is only possible if the judge concerned has passed a special exam in Italian and the same applies also to the court staff. Qualifications for conducting bilingual proceedings shall be awarded with a special bonus. If this is not the case, the law leaves open the possibility for the judge to have recourse to interpretation (which is available in any event in bilingual proceedings with regard to testimonies, statements, etc. for a language that one of the parties does not understand), as provided for by Article 68 of the Court rules (see p. 16 of the initial periodical report, footnote). All the related costs are borne by the Court's funds.

187. The situation on the ground for Italian differs in part from that of the Hungarian language. Various judges have completed a course in the Italian language. Some of the court's staff can speak Italian and all signs, including doorplates inside the court's building, are bilingual. Furthermore, a considerable number of lawyers have a good command of Italian, due partly to the fact that a number of proceedings actually concern Italian citizens from Italy. As a result, since Slovenia gained independence and up to February 2003, Italian was used in 7 proceedings involving members of the Italian-speaking minority, even though interpretation, free of charge, had to be provided since the other party(ies) to the proceedings were Slovenian-speaking. Over a period of 12 years, this figure would seem particularly low. According to the information collected by the Committee of Experts during the "on-the-spot" visit, several factors would seem to provide a possible explanation: the limited size of the minority, its good social behaviour, but equally the reluctance to use Italian in the proceedings for fear that this might hinder or delay them. Even so, in a field which is generally problematic from the point of view of practical implementation, the fact that Italian was used in some cases is in itself a notable start.

188. The Committee of Experts therefore concludes that this undertaking is fulfilled and encourages the Slovenian authorities to consider additional measures which could further encourage the speakers and win over their reluctance, for example by making it clear in the initial proceedings, where appropriate, that members of the Italian-speaking community may avail themselves of the opportunity to use Italian, and by making implementation of these undertakings more effective (eg by reducing the time it takes to translate judgments into Italian).

"Paragraph 2

The Parties undertake:

- a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language;"**

189. On the basis of the information provided by the Government, it would appear that no provision denies the validity of legal documents drafted in Italian and, on the contrary, a number of provisions explicitly provide for this possibility. The Committee of Experts considers that this undertaking is fulfilled.

Article 10 – Administrative authorities and public services

"Paragraph 1

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

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

190. The initial periodical report (see pp. 19-20) refers to a number of provisions which explicitly provide for the use of Italian in the work of the administrative authorities. Amongst others, chapter IV of the General Administrative Procedure Act provides that in municipalities where Slovene, Italian and Hungarian all have the status of official language, an administrative procedure may be conducted in any one of these languages. The language used will depend on the language in which a party has filed the request instituting the proceedings, and may change at any point during the procedure, at the request of one or several of the parties. Under Article 4 of the Public Administration Act, the administration shall conduct business, procedures and issue legal and other documents in Slovene or in the language of the national community (ie Italian or Hungarian), if the person concerned residing in such area uses Italian or Hungarian. Where at first instance the administrative body has conducted a procedure in Italian and Hungarian, any decision at the second instance shall be issued in the same language. Furthermore, Article 5 para. 4 of the State Employees Act stipulates that a good command of the Slovene language is a prerequisite for the employment of senior civil servants, civil servants, and for specialised staff and technical assistants who have direct contact with parties. However, in areas where the equal status of the Italian and Hungarian language is provided by law, knowledge of these languages is also required and is rewarded with a financial incentive (6% salary increase for active knowledge and 3% salary increase for passive knowledge). Specific provisions are also present in the statutes of the municipalities concerned. For example, under Articles 112 of the Statute of Koper/Capodistria, State administrative organs have to draft bilingual documents if they concern persons from the Italian-speaking community. Under Article 113, they must include posts for which the knowledge of Italian is a requirement.

191. The high level of this legal framework is reflected in the undertaking entered into by Slovenia in the context of the Charter. However, as to the practical implementation of this undertaking, the Committee of Experts received a number of substantial complaints, which concern above all the local branches of the State administration. It would seem that despite its co-official character Italian can almost never be used in dealings with the administration and most written communications are issued only in Slovenian. Several other concrete incidents were reported by the representatives of the speakers in this context, such as the refusal, contrary to the statute of the municipality concerned, to celebrate a wedding only in Italian, on the grounds that at best only a bilingual ceremony could be admitted, or the reported harassment of a representative of the Italian-speaking minority by a police officer following the request of the representative concerned to speak Italian, given that the police control took place in one of the "ethnically mixed areas" and that the police officer in question had a knowledge of Italian.

192. The Committee of Experts notes from the information received that the issue is linked to the recruitment policy in the local offices of the State administration, where staff members come from the inland or other regions of Slovenia and have been posted to the coastal urban centres, but have neither a command of Italian nor knowledge of the multicultural character of the coastal region. This was confirmed to the Committee of Experts also by officials of municipal administrations in the areas concerned.

193. While the Committee of Experts acknowledges that a solid legal framework exists, in view of the serious shortcomings regarding the practical implementation, it considers that this undertaking is not fulfilled. Furthermore, where appropriate the conclusions of the Committee of Experts under Article 7 para. 1.b of the Charter (see paras. 51-54 above) are also relevant with regard to the present provision.

The Committee of Experts encourages the Slovenian authorities to adopt measures with a view to ensuring that an appropriate share of the administrative staff posted in the "ethnically mixed areas" is adequately trained to use Italian and made fully aware of the bilingual character of these areas.

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

194. The Committee of Experts received substantial information to suggest that although some widely used administrative texts and forms available from local branches of the State administration exist also in Italian, eg bilingual tax invoices, for the most part these administrative documents are provided only in Slovenian. The Committee of Experts considers that this undertaking is only partly fulfilled.

The Committee of Experts encourages the Slovenian authorities to ensure that administrative texts and forms widely used in the local branches of the State administration are made available also in the Italian language.

"c to allow the administrative authorities to draft documents in a regional or minority language."

195. The Committee of Experts notes that despite the rich legal framework (see para. 190 above), the practical implementation of this undertaking is likewise affected by the serious shortcomings. The Committee of Experts considers, therefore, that this undertaking is also not fulfilled.

The Committee of Experts encourages the Slovenian authorities to take the necessary measures to foster the practical implementation of this undertaking.

"Paragraph 2

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

a the use of regional or minority languages within the framework of the regional or local authority;"

196. The statutes of the municipalities concerned contain specific provisions which correspond to this undertaking. The Committee of Experts therefore considers that this undertaking is fulfilled.

197. However, according to the information provided by representatives of the municipality of Koper/Capodistria, while in this municipality the agenda of the municipal's council meetings is bilingual, the working documents are not in Italian, as confirmed also by the authorities concerned. According to the relevant authorities, the reason is that working documents are usually only made available immediately prior to the relevant meeting and there is not enough time to have them translated into Italian. The Committee of Experts encourages the Slovenian authorities to strengthen their efforts, as far as possible, for a significant share of working documents to be made available in Italian as well.

"b the possibility for users of regional or minority languages to submit oral or written applications in these languages;"

198. The statutes of the municipalities concerned contain specific provisions which correspond to these undertakings (for example, under Article 112 of the Statute of Koper/Capodistria, municipal organs are obliged to draft bilingual documents if they concern persons from the Italian-speaking community, and under Article 113 of the same statute, municipal organs must include posts for which the knowledge of Italian is also required; see also the initial periodical report, pp. 19-22). The law provides additionally that if the mayor of the municipalities concerned belongs to the Slovenian-speaking community, one of the vice-mayors must belong to the Italian-speaking community (and vice-versa). Furthermore, the employees in the municipal administrations often originate from the "ethnically mixed areas" and in most cases they have a good command of the Italian language and a sincere attachment to the multicultural character of the coastal area.

199. The information received by the Committee of Experts seems to indicate that these provisions are also implemented in practice and no serious complaint was brought to its attention in this respect. The Committee of Experts considers, therefore, that these undertakings are fulfilled but would welcome further information and examples on their practical implementation in the next periodical report. Where appropriate, the conclusions of the Committee of Experts under Article 7 para. 1.b of the Charter (paras. 51-54 above) are in any event also relevant in this respect.

"d the publication by local authorities of their official documents also in the relevant regional or minority languages;"

200. The statutes of the municipalities concerned contain specific provisions which correspond to this undertaking. In practice official documents, such as the statutes of the municipalities or municipal regulations, are regularly made available in Italian too. The Committee of Experts considers that this undertaking is fulfilled.

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

201. According to the information received, the statutes of the municipalities concerned provide for the right to use Italian during the assemblies of local authorities. The situation in practice would seem to differ from municipality to municipality. In some of them, eg Izola/Isola, a significant number of members of the municipal council have at least a passive knowledge of Italian and Italian is sometimes used. In other cases, such as the larger city of Koper/Capodistria, several members of the municipal council have an insufficient knowledge of Italian, which makes it difficult to use Italian during the debates.

202. The Committee of Experts notes that the legal possibility of using Italian exists but would welcome further information on how the local authorities are encouraged to improve the practical implementation of this undertaking, in particular with regard to the provision of simultaneous interpretation. The Committee of Experts is therefore not in a position to conclude on this undertaking.

"c the publication by regional authorities of their official documents also in the relevant regional or minority languages;"

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

203. There are no regional authorities in the areas concerned. These two undertakings are therefore redundant in the case of Slovenia.

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

204. The statutes of the municipalities concerned contain specific provisions to this effect (see the initial periodical report, p. 18, also in footnote), and this is usually the case in practice. However, the Committee of Experts received complaints regarding the setting up of new districts inside the "ethnically mixed areas", where only Slovenian place-names had been used (e.g. Prisoje, Križišče in the municipality of Koper/Capodistria, or Jagodje, Dobrava, Livade in the municipality of Izola/Isola).

205. The Committee of Experts considers, therefore, that this undertaking is only partly fulfilled and encourages the Slovenian authorities to take the necessary measures for ensuring the use of bilingual place-names also in the new districts set up within the "ethnically mixed areas". The Committee of Experts additionally observes that where appropriate, the same should apply at a subsequent stage to the other

relevant areas in the territory of the municipalities concerned, further those currently classified as “ethnically mixed”, in conformity with its conclusions under Article 7 para. 1.b of the Charter (see paras. 51-54 above).

The Committee of Experts encourages the Slovenian authorities to ensure the use of bilingual place-names also in the new districts set up within the “ethnically mixed areas”.

“Paragraph 3

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

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

206. The Committee of Experts observes in the first place that in the case of sub-paragraphs a., b. and c. of paragraph 3 of Article 10 of the Charter, Slovenia did not specify, in its instrument of ratification, which of the three options available under each one of the sub-paragraphs mentioned above should apply. In fact, the three options listed in the above-mentioned sub-paragraphs are alternatives and Contracting Parties are required to opt for one of them.

207. According to the practice of the Committee of Experts, in the absence of a choice by the State where several options are available, the highest option from the point of view of the protection and promotion of the language shall normally be applied “ex officio”, unless specific circumstances make the highest option appear manifestly incompatible with the needs of the regional or minority language concerned and/or with the expressed wishes of the speakers (see for example the second evaluation report of the Committee of Experts on the implementation of the Charter by Hungary, cited above, para. 95).

208. In the case of the Italian language, the Committee of Experts sees no reason to depart from its usual practice in the context of the present provision and will therefore apply the highest option.

209. Despite the co-official status of the Italian language in the areas concerned, the Committee of Experts received substantial complaints in this respect. It would thus appear that invoices from various public authorities or corporations providing public services in the municipalities of Koper/Capodistria, Piran/Pirano and Izola/Isola are sent exclusively in Slovenian. This is the case for the electric company and the water board, for example. In fact, no provisions concerning the use of Italian as a co-official language seem to exist in the relevant regulations and the following case was brought to the attention of the Committee of Experts as well illustrating the existing situation.

210. The Slovenian radio and television broadcasting corporation (“RTV Slovenija”) has its headquarters in Ljubljana, i.e. outside the “ethnically mixed areas”. However, according to the information received by the Committee of Experts, although RTV Slovenija has a regional centre in one of these areas which hosts both radio and television channels broadcasting in the Italian language, it refused to issue the relevant invoices sent to these areas also in Italian on the grounds that the central administration of RTV Slovenija was located outside the said areas. A member of the Italian-speaking community refused to pay the licence fee on the basis of the Slovenian monolingual invoice received, invoked Article 11 of the Slovenian Constitution (see para. 45 above) and initiated proceedings against RTV Slovenija before the competent court. The latter upheld the complaint, by relying on the constitutional provision referred to above and by concluding that the law required that TV licence forms and invoices be bilingual. The appeal lodged by RTV Slovenija was subsequently rejected. Despite this favourable outcome, it would appear from the information provided that RTV Slovenija has failed to comply with these judgments.

211. The Committee of Experts therefore considers that this undertaking is only partly fulfilled and encourages the Slovenian authorities to take the necessary measures to ensure the use of Italian in the public services of the municipalities concerned (see also the conclusions of the Committee of Experts under Article 7 para. 1.b of the Charter, paras. 51-54 above). The Committee of Experts also encourages the Government to clarify whether the court’s decisions in the case brought against RTV Slovenija, referred to above, have in the meantime been implemented.

The Committee of Experts encourages the Slovenian authorities to take the necessary measures to ensure that Italian is used in the provision of public services.

"Paragraph 4

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

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

212. The Committee of Experts observes that the degree of fulfilment of these undertakings is closely connected to that of the undertakings to which this provision refers, i.e. those embodied in paragraphs 1 to 3 of Article 10, in the sense that the degree of fulfilment of the former has direct repercussions on that of the latter. Thus, if the present undertakings appear to involve a certain degree of practical implementation in the case of the municipal administrative offices, this is not the case for the local branches of the State administrations. The Committee of Experts therefore concludes that these undertakings are partly fulfilled.

"Paragraph 5

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned."

213. According to Article 3 of the Personal Name Act, "(t)he 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". This provision is also reflected in the specific provisions contained in the statutes of the municipalities concerned. On the basis of the information available to it, the Committee of Experts considers this undertaking fulfilled.

Article 11 – Media

"Paragraph 1

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

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

214. According to the information received, the Italian-speaking radio and television channels in Koper/Capodistria ("Tele-Capodistria" and "Radio-Capodistria") constitute the two traditional channels broadcasting in Italian (see also the initial periodical report, pp. 24-26), established respectively in 1971 and 1949 within the framework of the Yugoslav radio-television network. Today they are an integral part of the Slovenian State Radio and Television ("RTV Slovenija"), and they constitute a public body funded by the Slovenian State. The radio station broadcasts 18 hours per day, mostly in Italian, and the television channel broadcasts for an average of 9 1/2 hours a day, 1 hour of which is in Slovenian.

215. Despite this framework several problems, further to the above-mentioned (see paras. 70-73), were brought to the attention of the Committee of Experts. Slovenian radio and television broadcasting is in fact in the midst of a serious economic crisis and is planning a strict recovery programme. This would appear to entail a risk of cuts to the Italian programming for the Italian-speaking radio and television channels in Koper/Capodistria, with a substantial reduction in the number of hours of television broadcast in Italian. The recovery plan would seem to encompass in particular the following points:

- a freeze in turnover (including the non-replacement of journalists on the point of retiring) and a reduction in the amount of externally produced programming;
- cuts in programmes purchased from the Italian public television network RAI and RAI International, signifying a reduction in the broadcasting hours of the Italian-speaking television channel in Koper/Capodistria, and in particular of Italian programmes (at present, on average, broadcasting in Italian is for nine and a half hours a day, but only 2 of these hours are home produced, so cutting out acquired programmes entirely would reduce the number of broadcasting hours in Italian to 2 hours per day);
- the idea of combining programmes in Italian produced by the Italian-speaking television channel in Koper/Capodistria with the second national Slovenian network (Italian programmes are currently broadcast on the long-established Channel 27, alongside programmes broadcast in Slovenian from the television of Koper/Capodistria);
- the rationalisation of financial, human and structural resources.

216. The Committee of Experts considers that this undertaking is, as such, fulfilled at present. However, it must also express its concern as to the risks linked to the implementation of the above-mentioned recovery plan. In this respect, the Committee of Experts considers that it is also important for the Italian-speaking radio and television channels in Koper/Capodistria to exploit their potential to cover once more the whole Istrian peninsula, the Croatian city of Rijeka and other parts of Italy beyond those sharing borders with Slovenia, in order to ensure the maintenance and further development of these services (see paras. 70-73 above). The Committee of Experts is therefore looking forward to receiving up-dated information on the Italian-speaking radio and television channels in Koper/Capodistria.

"e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;"

217. According to the information provided in the initial periodical report (see pp. 26-27), Slovenia gives financial support to several printed media in the Italian language. Most of them are published in Croatia, such as the daily "La voce del popolo" published by EDIT (a publishing house located in Rijeka). Despite this fact, they address the whole Italian-speaking community present in both countries. The Slovenian contribution to the printed media represents approximately 20% of that granted by Croatia. The Committee of Experts considers that this undertaking is fulfilled.

"Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

218. On the basis of the information received, the Committee of Experts considers that this undertaking is fulfilled.

"Paragraph 3

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

219. Italian speakers are represented on the channel board for radio and television channels for the Italian national minority, which is competent, *inter alia*, to discuss with the Board of RTV Slovenija issues relevant to the national community channels (see p. 25 of the initial periodical report, also footnote no. 66). Under Article 54 of the Articles of Association of the Public Institution RTV Slovenija, this board is established by the Board of RTV Slovenija and consists of five members appointed by the Hungarian self-governing national communities and two appointed by the Board of RTV Slovenija. The Committee of Experts considers that this undertaking is fulfilled.

Article 12 – Cultural activities and facilities

"Paragraph 1

With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;"

220. According to the information provided by the Government (see also the detailed information in the initial periodical report, pp. 27-29), a special programme run by the Ministry of Culture includes a chapter on "Activities for the preservation of a language". Under this chapter, the Ministry promotes initiatives relating to minority languages, such as lectures, language Summer camps, literary competitions, etc. With regard to libraries, under Articles 16 and 25 of the new Librarianship Act, services for members of the Italian national community may be provided in general libraries located in the "ethnically mixed areas". The Slovenian Ministry of Culture is also co-financing the building of a cultural centre in Izola/Isola (the "Manziolli Palace"). Slovenia also co-finances two important common institutions of the Italian-speaking minority which are located in Croatia : the Centre for Historical Research of Rovinj/Rovigno and the Italian Theatre in Rijeka. Furthermore, some cultural events are bilingual, such as the annual Melodies of the Sea and Sun Festival in Portorož/Portorose mentioned by the Government. The Committee of Experts considers this undertaking fulfilled.

"d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;"

221. According to the information provided by the Government (see also the initial periodical report, pp. 27-29), the Ministry of Culture, in line with the set objectives of the minority cultural policy, ensures that its department responsible for minorities encourages the persons responsible for organising and directly implementing cultural projects to focus on the preservation of the language as well. The Committee of Experts considers this undertaking fulfilled.

"e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;"

222. According to the information provided by the Government, staff with a command of Italian are employed in several bodies, for example in the municipal administrations or in the libraries in the "ethnically mixed areas". Furthermore, the Ministry of Culture informed the Committee of Experts that it has organised an Italian language course for an expert employed in the department responsible for minorities. The Committee of Experts concludes that this undertaking is fulfilled.

"f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;"

223. According to the information provided by the Government, the department responsible for minorities within the Ministry of Culture always ensures the participation of representatives of the Italian-speaking community in the preparatory part of the decision-making process: from principles, objectives and criteria to actual programmes and their evaluation. The Committee of Experts considers this undertaking fulfilled.

"Paragraph 2

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

224. According to the information provided by the Government, cultural activities, financed from the funds of the Ministry of Culture, may also be carried out in the areas where minority languages are not traditionally used if they are in accordance with the set objectives of the minority cultural policy and if financial means are available. However, no concrete example was quoted. It is also worth noting, in this respect, that the Government itself made reference, in the initial periodical report (see p. 29), to the fact that available funds are insufficient for extending cultural activities beyond the community itself. The Committee of Experts considers on the basis of the information received that this undertaking is not fulfilled.

"Paragraph 3

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

225. According to the the Government, in its cultural policy on international co-operation, the Ministry of Culture invited the department responsible for minorities to the drafting of international agreements. The department in this way forwards information on the needs of minorities in the context of international cultural co-operation. In addition, representatives of the minorities in charge of submitting proposals for programmes are regularly invited to outline such needs in their annual programmes.

226. The Committee of Experts firstly observes that the information provided is insufficient to assess the concrete results of the consultations in relation to international cultural co-operation, as referred to by the Government, although the initial periodical report refers to the co-organisation in 2000, with the Council of Europe, of an international seminar on the public authority instruments in the area of the protection of minority cultural rights (see p. 28). The Committee of Experts secondly underlines that the present provision is not solely concerned with the drafting of general international instruments in the cultural field or general international workshops, but also, and above all, concerns the way in which the country presents its own linguistic and cultural heritage abroad (e.g., cultural exchanges, reference to the minority languages spoken in Slovenia and to their cultures in the context of European or international exhibitions or events, documentation on the country aiming at an international public, use of bilingual place-names on the official maps and in the official brochures and guides used to promote the image of the country abroad, *inter alia* for touristic purposes, etc.). Indeed, the spirit of this undertaking is in particular to encourage a country to present or promote itself abroad, or in front of an international audience, in a manner other than as it was a monolingual or a monocultural country.

227. The information made available to the Committee of Experts in this respect does not, therefore, enable it to conclude on this undertaking and the Committee of Experts encourages the Slovenian authorities to provide, in the next periodical report, information on the concrete measures taken to fulfil the objectives of this undertaking.

Article 13 – Economic and social life

"Paragraph 1

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

- a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;"*

228. The Committee of Experts is not aware of any legal act or regulation in conflict with these provisions. On the contrary, the statutes of the municipalities concerned contain specific provisions requiring, for example, that enterprises use bilingual titles. For example, under Article 4 of the Decree of the municipality of Koper/Capodistria on the implementation of bilingualism, a firm's title, name and legal status must be bilingual, although additional elements and proper names which form part of the sign do not need to be translated. Without prejudging how the Committee will assess the consequences of the interpretation which may be given in practice to this provision (see paras. 231-232 below), the Committee of Experts considers that these undertakings are fulfilled.

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

229. The Committee of Experts has not received any specific information concerning the implementation of this undertaking and it encourages the Slovenian authorities to provide information in the next periodical report.

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

230. The Committee of Experts was not informed of any measures taken by the Slovenian authorities to oppose the practices referred to in this provision. It is unable, therefore, to consider this undertaking fulfilled and it encourages the Slovenian authorities to address this point in the next periodical report.

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

231. According to Article 118 of the Statute of the municipality of Koper/Capodistria, "(i)n the exercise of their respective activities, the organs of the municipal administration and the other organs of the municipality, as well as those of the other local authorities, firms and public bodies which perform public functions, are obliged to use names of streets and of places located in the nationally mixed territories both in the Slovenian and in the Italian version". Furthermore, according to article 4 of the Decree of the municipality of Koper/Capodistria on the implementation of bilingualism, the title of a firm including its name and its legal status must be bilingual, although additional elements and proper names which form part of the sign do not need to be translated.

232. The Committee of Experts acknowledges that efforts have been made to adopt regulations to facilitate further and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs. Practical difficulties, however, linked to the concrete way in which the relevant provisions are applied, have been reported to the Committee of Experts (such as in the case of the name of the port of Koper/Capodistria, which includes only the Slovenian place-name of this city, on grounds that the body which runs the port is a private company).

233. The Committee's attention was also drawn to the naming issue surrounding the future coastal university (see para. 178 above). The present project had plans only to use the Slovenian name given to the coastal area (University of "Primorsko"), excluding in this way the Italian name (University of the "Litorale"). However, recent information would point to encouraging developments in this respect.

234. In the light of the above the Committee of Experts is not in a position to conclude on this undertaking and it encourages the Slovenian authorities to pursue their efforts in this area and to provide additional information on these points in the next periodical report.

"Paragraph 2

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

- a to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;**
- b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;"**

235. The Committee of Experts did not receive enough information in this respect to enable it to conclude on these undertakings and therefore encourages the Slovenian authorities to provide substantial information in the next periodical report.

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

236. According to the information received by the Committee of Experts, non-specialised and ancillary staff, for example in the hospital of Izola/Isola, which is one of the main hospitals for the area, have a knowledge of Italian and it was reported that Italian language courses are organised. However, there seems to be a lack of specialised staff with a knowledge of Italian. As was explained to the Committee of Experts, the coastal region is very dynamic from an economic point of view and needs to and does attract skilled staff in various areas, including the medical field. However, many of them come from other parts of Slovenia and have no or little knowledge of either Italian or the specific multicultural character of the coastal area.

237. The information made available to the Committee of Experts in this respect does not enable it to conclude on this undertaking. The Committee of Experts therefore encourages the Slovenian authorities to provide further information in the next periodical report, in particular on the situation in other social care facilities in the three municipalities concerned, such as retirement homes and hostels, as well as on the presence of specialised medical staff with a knowledge of Italian.

- "d to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;**
- e to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages."**

238. The Committee of Experts did not receive any information in this respect and is therefore not in a position to conclude on these undertakings.

Article 14 – Transfrontier exchanges

"The Parties undertake:

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;"**

239. The Committee of Experts refers to various agreements concluded between Slovenia and Italy (such as the Agreement on Mutual Recognition of Diplomas, concluded in 1995, and the Agreement in the fields of culture and education of 2000, which however does not seem to have entered into force yet), and considers that this undertaking is fulfilled.

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

240. The Committee of Experts observes that in the case of the Italian language, transfrontier co-operation is relevant with both Croatia and Italy.

241. As far as transfrontier co-operation with Croatia is concerned, as previously mentioned (see paras. 217 and 220 above) Slovenia gives financial support to several printed media in the Italian language, published in Croatia. It also helps fund cultural institutions set up for the Italian-speaking community in both Slovenia and Croatia which are located in Croatia.

238. With regard to transfrontier co-operation with Italy, the information received by the Committee of Experts refers to a media project (the Italian-speaking television channel in Koper/Capodistria and the Trieste/Trst regional branch of the Italian public television broadcast each other's news once a day and, once a month, they broadcast a joint documentary devoted to the Italian-speaking minority in Slovenia and to the Slovenian-speaking minority in Italy) and to teacher training exchanges in which the University of Trieste/Trst is actively involved.

239. The Committee of Experts considers this undertaking fulfilled as far as bilateral contacts are concerned. However, the Committee of Experts encourages the Slovenian authorities to provide further information on cross-border co-operation between local authorities in Croatia and Italy, in the next periodical report.

Chapter 3 - Findings of the Committee of Experts

240. The Committee of Experts hereby presents its general findings on the application of the Charter in Slovenia.

A. Slovenia has a framework which offers a high legal standard of protection for the Hungarian and the Italian languages and this is reflected in the instrument of ratification of the Charter. In several respects this standard was already in place when Slovenia was still part of Yugoslavia, but Slovenia must be complimented for maintaining this high legal standard and for developing it further. This framework includes some original concepts which are exemplary : particular mention can be made of the bilingual education model for the Hungarian language, the mandatory teaching of the Italian language to students from a Slovenian-speaking background in the "ethnically mixed areas" and the fact that Italian-speaking schools are open to pupils who do not belong to the Italian-speaking community. Furthermore, Hungarian and Italian have a real and visible presence in the areas concerned.

B. With regard to Part II of the Charter, a number of preliminary issues arose in respect of the languages not covered by Part III in the instrument of ratification and on which the Government provided very limited information, with the exception of the Romany language. It is important to stress that the promotion of regional or minority languages is an on-going process, where close co-operation with the speakers of the languages concerned is meant to play a major role. The Committee of Experts looks forward to receiving further elements in the next periodical report. In this respect, links between the various linguistic groups concerned could be usefully developed.

C. The Committee of Experts noted that Croatian is not considered as a regional or minority language traditionally present in Slovenia, within the meaning of the Charter. The Committee of Experts gathered substantial information which points to the continuous traditional presence of this language in Slovenia (see paras. 26-27 above). The Slovenian authorities should therefore reconsider their position with regard to Croatian, identify the territories in which Croatian is covered by the Charter and apply Article 7 to this language. The Committee of Experts also received information on the Serbian language and on the Bosnian language, which seems to indicate a traditional presence of these languages in Slovenia (see respectively paras. 29-30 and 31 above). The Government should clarify this issue, in co-operation with the speakers of Serbian and Bosnian, and provide the corresponding information in the next periodical report.

D. Slovenia does not call into question the traditional presence of the German language in the country. Therefore, Slovenia should extend Part II protection to the German language and the current provision of education, in particular, should be further developed, with priority for the Kočevje area.

E. As for the Romany language, the Slovenian authorities show a high degree of awareness and commitment to improving the situation, especially in the socio-economic field, but the action taken in the field of language protection and development is still insufficient. It must be observed that in the case of Romany linguistic issues are closely related to broader issues of a social and cultural nature. Thus, the Committee of Experts found that the protection and promotion of the Romany language could raise the prestige attached to the Romany language and consequently the self-esteem of Roma people, which would in turn contribute to their integration into the Slovenian society (see especially paras. 89-90 above). From a linguistic point of view, the Committee of Experts is fully aware of two difficulties to which the Slovenian authorities made reference but which are, after all, very similar to those in other countries : the lack of standardisation of the language and the plurality of its varieties. Standardisation is indeed a crucial step, which Slovenia should support, preferably at European level, in close co-operation with the Roma speakers themselves from all the Roma communities present in Slovenia, and with the other European States concerned. However, the teaching of and in the Romany language should be developed at least at the lower grades even without the standardisation yet being achieved.

F. The Hungarian language is supported by a very original system in education. This system functions well and Slovenia must be complimented for pursuing it. However, the Hungarian language is spoken in an area, the Prekmurje region, which is affected by a difficult economic context, by a high rate of unemployment and subsequent migration, especially of young people, to other parts of the country as well as by a notable decrease in the birth rate. In the long-term, the persistence of such a situation could negatively affect the position and the protection of the Hungarian language as well. In this context, the Committee of Experts sees the strengthening of bilingualism and of transfrontier co-operation in this area as having a real potential also from an economic point of view (see especially paras. 155-159 above). In particular, efforts should be made to encourage a greater presence of the Hungarian language in economic life. Forms of concrete incentives

could be considered in this regard and the Slovenian authorities are encouraged to support the local authorities where appropriate.

G. In the case of Hungarian, a more specific problem concerns the use of this language in the context of court proceedings. A very rich legal framework exists in this regard and measures seem to have been taken in the past by the authorities to facilitate the use of Hungarian in courts. However, at present this language is not used in the context of court proceedings and the Committee of Experts therefore encourages the authorities to strengthen their efforts in this field.

H. The Italian language is supported by a well established and well functioning educational framework and Slovenia must be complimented for pursuing it. However, the demographically fragile Italian-speaking community finds itself in a context of rapid economic expansion of the areas in which it is historically settled combined with considerable demographical changes, due in particular to the re-settling in the area of skilled labour and services staff from other parts of Slovenia (see especially paras. 51-54, 192, 204-205 and 236 above). Furthermore, although the presence of the Italian-speakers within the three municipalities concerned goes beyond the strict boundaries of the areas currently classified as “ethnically mixed”, the framework of protection of the language is still limited to the latter. Slovenia should therefore consider in particular two sets of measures in this respect: the establishment of a strategy to strengthen the presence of Italian particularly in the local branches of the State administration and in the public services in the areas currently classified as “ethnically mixed”, and a progressive extension of the protection framework of the Italian language currently provided for the “ethnically mixed areas” to the other areas of the three municipalities concerned where there is a stable presence of Italian speakers, to be identified in co-operation with the speakers.

I. As far as the Italian-speaking electronic media are concerned, Slovenia must be complimented for maintaining the radio and television channels in the Italian language which already existed at the time of former Yugoslavia. However, the Committee of Experts was informed of possible developments which might endanger the maintenance of this service (see paras. 70-73 and 215-216 above). In this respect, the Committee of Experts must point out that a reduction of the broadcasting in the Italian language might lead to the non-fulfillment of the undertaking entered into by Slovenia under Article 11 para. 1.a.i. of the Charter.

J. Finally, a general problem regarding the monitoring has been the insufficient information provided by the Slovenian authorities, which prevented the Committee of Experts from reaching a conclusion on several of the undertakings entered into by Slovenia. The Committee of Experts also noted that some of the authorities concerned were not consulted by the Government during preparations for the initial periodical report (see para. 34 above). Furthermore, the Slovenian authorities did not take any specific measures to make the initial periodical report public, as required by Article 15 para. 1 of the Charter.

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

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

At its 887th meeting on 9 June 2004, the Committee of Ministers adopted its Recommendation addressed to Slovenia, which is set out in Part B of this document.

Appendix I: Instrument of Ratification



Slovenia:

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

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

Period covered: 01/01/01 -

The preceding statement concerns Article(s): 7

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

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

Article 8

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

Paragraph 2

Article 9

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

Paragraph 2, sub-paragraphs a, b c

Article 10

Paragraph 1

Paragraph 2

Paragraph 3

Paragraph 4

Paragraph 5

Article 11

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

Paragraph 2

Paragraph 3

Article 12

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

Paragraph 2

Paragraph 3

Article 13

Paragraph 1

Paragraph 2

Article 14
Paragraph a
Paragraph b.

Period covered: 01/01/01 -

The preceding statement concerns Article(s): 2

Appendix II: Comments by the government of the Republic of Slovenia

Introduction

The Republic of Slovenia submitted the first report under the European Charter for Regional or Minority Languages (ECRML) in March 2002. On the basis of a questionnaire by the Committee of Experts on the Implementation of the ECRML, the Republic of Slovenia correspondingly supplemented the report with explanations in July 2003. On the basis of the report and explanations by the Republic of Slovenia and on the basis of a visit by the Delegation of the Committee to Slovenia in February 2003 and information from the Slovenian non-governmental organisations, the Committee of Experts on the Implementation of the ECRML adopted an opinion on the implementation of the ECRML by the Republic of Slovenia on 21 November 2003 and submitted it to the Republic of Slovenia on 18 December 2003.

On the basis of proposals submitted by the relevant ministries and offices, the Republic of Slovenia prepared a response and comments to the Opinion of the Committee of Experts on the Implementation of the ECRML. The Government of the Republic of Slovenia adopted the response to the Opinion of the Committee of Experts on the Implementation of the ECRML in its session on 4 March 2004.

Comments of the Republic of Slovenia on the opinion of the Committee of Experts of the Council of Europe on the Implementation of the ECRML

Comments on the opinion of the Committee of Experts of the Council of Europe concerning the implementation of Article 7 of the ECRML of 6 February 2004, p. 9, No. 38, 39, and 40

38. At the 2002 Census in the Republic of Slovenia, 35,642 persons living in the Republic of Slovenia (1.81 per cent) declared themselves Croats, and 54,079 persons stated the Croatian language¹ as their mother tongue. The Republic of Slovenia is aware of the obligations towards members of the nations of the former Yugoslav state. This issue is covered by Articles 14, 61 and 62 of the Constitution of the Republic of Slovenia. Article 61 of the Constitution of the Republic of Slovenia states: "Everyone has the right to freely express affiliation with his nation or national community, to foster and give expression to his culture and to use his language and script." The main aim of this relation is to promote integration processes and, at the same time, maintain and develop national identity elements pertaining to members of the nations of the former Yugoslav state.

As regards the prohibition of discrimination and human rights, members of the nations of the former Yugoslav state enjoy the same rights as other citizens of the Republic of Slovenia in addition to the above Constitutional articles (see: Chapter II of the Constitution of the Republic of Slovenia: Human Rights and Fundamental Freedoms, except for Articles 64 and 65).

The Constitution of the Republic of Slovenia does not contain provisions relating directly to the special concern for members of the nations of the former Yugoslav state, Jews and Germans. The resolution to their status is therefore based on bilateral agreements on cooperation in culture between the Government of the Republic of Slovenia and the government of the state representing the nation of origin of the relevant ethnic community.

Such intense cooperation may be represented by cooperation in culture between the Republic of Slovenia and the Republic of Croatia, which was initiated by the signing of the Agreement on Cooperation in Culture and Education between the Government of the Republic of Slovenia and the Government of the Republic of Croatia (Ur.l. RS, No. 15 – 18/94, International Treaties). In this context, according to the data of the Ministry of Culture, funds were allocated to three Croatian associations active in Slovenia² (the Croatian Club Komušina, Škofja Loka; the Croatian Cultural Association in Maribor, and the Croatian Cultural Association Novo Mesto). There are a number of different activities in the field of education carried out for members of the Croatian community in the Republic of Slovenia (supplementary classes, special education classes in

¹ Source: The Statistical Office of the Republic of Slovenia; Census – Population, Households and Dwellings 2002.

² Data on financing of needs for national communities in the Republic of Slovenia (letter of the Ministry of Culture No. 403-246/2002-45 of 18 March 2003), the Archives of the Government Office for Nationalities.

mother tongue and other). These activities are within the responsibility of the Ministry of Education, Science and Sport.

39. At the 2002 Census in the Republic of Slovenia, 38,964 persons living in the Republic of Slovenia (1.98 per cent) declared themselves Serbs, and 31,329 persons stated the Serbian language as their mother tongue. For members of the Serbian national community, the same constitutional provisions as in Item 38 above apply.

40. At the 2002 Census in the Republic of Slovenia, 21,542 persons living in the Republic of Slovenia (1.10 per cent) declared themselves Bosniacs³, and 8,062 persons (0.41 per cent) declared themselves Bosnians⁴. 31,439 persons (1.6 per cent) stated the Bosnian language⁵ as their mother tongue.

The Bosniac community in Slovenia is represented by the Bosniac Cultural Association of Slovenia and the Association of the Bosnian-Herzegovian and Slovenian Friendship – Ljiljan. In addition, the members of Islam, among which the majority are Bosniacs, are represented by the Islamic Community of Slovenia (the *Meshihat*), which has thirteen committees (*djemats*) and ten places of worship (*masjids*).

With regard to the Bosniac community in Slovenia, Slovenia and Bosnia and Herzegovina signed the Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on Cooperation in the Fields of Culture, Education and Science (Ur. I. RS, No. 17/2000). In this context, according to the data of the Ministry of Culture, funds were allocated to the Bosniac Cultural Association of Slovenia and the Association of the Bosnian-Herzegovian and Slovenian Friendship - Ljiljan for cultural activities and the preservation of the Bosnian language and identity (in accordance with Articles 61 and 62 of the Constitution of the Republic of Slovenia). Different activities have also been underway for members of Bosnia and Herzegovina in the education field (supplementary classes, special education in mother tongue etc.).

The Committee of Experts of the Council of Europe has devoted larger part of its report to persons originating from other parts of the former Yugoslavia, and other national communities or minorities that are not covered by the Constitution of the Republic of Slovenia.

Slovenia is aware that this is an extremely delicate issue, therefore discussions should be based on firm deliberations and comprehensive expert analyses; any hasty measures and decisions that do not take into account all circumstances and needs of people can result in new tensions or even conflicts.

At the request of the Government Office for Nationalities, the Institute for Ethnic Studies is carrying out a comprehensive research entitled "The situation and status of members of the former Yugoslavia nations in the Republic of Slovenia". This research will constitute a sound basis for further decision-making on this issue. The research aims at determining the situation and status of Albanians, Bosniacs, Montenegrins, Croats, Macedonians and Serbs living in Slovenia, and providing relevant empirical material by means of field work and other forms of research work. In this way, specific possibilities to settle the situation in this field can be found.

Comments on the opinion of the Committee of Experts of the Council of Europe concerning the implementation of Article 7 of the ECRML of 6 February 2004, p. 12, No. 54

At the 2002 census in the Republic of Slovenia, 418 persons declared themselves as members of the Italian national community outside the nationally mixed area. This figure represents 18.5 per cent of the entire number of members of the Italian national community.

Protection of minorities is to a large extent bound to the concept of a "nationally mixed area". The latter comprises the areas or settlements of an individual municipality where members of the Italian or Hungarian autochthonous national communities have lived historically or are settled there. The Italian and Hungarian national communities fall within the category of classical minority communities, which means that implementing the scope of special minority rights is primarily linked to the areas that are exactly defined in the statutes of individual municipalities and are traditionally settled by members of the minority nationalities.

³ Bosniacs as a nation were introduced to the Constitution of the Federation of Bosnia and Herzegovina in 1994.

⁴ At the past censuses, those declaring themselves as Bosnians were included in the group of persons declared on the regional basis.

⁵ Source: The Statistical Office of the Republic of Slovenia; Census – Population, Households and Dwellings 2002.

If Slovenia wants to upgrade this model of minority protection, it would have to establish multilingual national language structures, which, at the present time, cannot be expected. The only feasible option is an appropriate reevaluation of the traditional reservation-confined concept of the protection of minority communities. This concept is based on the idea that cultural and spiritual heritage of a nationally mixed area is a common property of all its residents, regardless of their national affiliation and social status that they had in the various historical periods.

It should be underlined that among those rights that members of national communities can exercise outside the nationally mixed areas (a provision on that is to be found in Article 64, Paragraph (4), of the Constitution of the Republic of Slovenia), the Republic of Slovenia has included the right of the members of national communities to be registered in a special voting register of national minorities, the right to elect deputies of the national minorities to the National Assembly, even in the case these deputies do not live in the nationally mixed areas, and, under certain conditions, the right to learn the languages of the national minorities.

The Decree No. 844 of the Constitutional Court (Ur.l. RS, No. 20/1998) also dealt with the issue of the rights of the members of national minorities living outside the nationally mixed areas. The Court ruled that it was not constitutionally inadmissible for the persons living outside the nationally mixed areas to declare themselves as members of the Italian or Hungarian autochthonous national communities. In this context, the Court took into account the provisions of Article 64 of the Constitution of the Republic of Slovenia, pursuant to which those rights which the members of the national communities can exercise outside the areas where the national communities live shall all be regulated by law (Ur.l. RS, No. 20/1998, p. 1314).

Territorial and political representation of the Italian minority in Slovenia is defined by the Constitution and the legislation, which implies that any change of the status and role of the self-governing national communities would also require amendments to the Constitution.

Comments on the opinion of the Committee of Experts of the Council of Europe concerning the implementation of Article 7 of the ECRML of 6 February 2004, p. 13, No. 63

Article 15 of the Agreement between the Republic of Slovenia and the Republic of Austria on Cooperation in the Fields of Culture, Education and Science, signed in Ljubljana on 30 April 2001, states: "The Contracting Parties will always include in the programmes of the Mixed Commission established under Article 20, Paragraph (1), and in the given case in the joint work programmes of the ministries of both sides under Article 20, Paragraph (3), 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.)²."

Any solutions to the use of languages in the Republic of Slovenia (see Article 11 of the Constitution of the Republic of Slovenia), different from the ones that are in force now, would require a new plebiscitary deciding on the contents which the citizens accepted already on the establishment of Slovenia as an independent country; consequently, this would imply amending the Constitution of the Republic of Slovenia.

Comments on the opinion of the Committee of Experts of the Council of Europe concerning the implementation of Article 7 of the ECRML of 6 February 2004, p. 14, No. 73

Initiatives regarding receiving of the programmes of the RTV Koper/Capodistria in the entire territory of Istria are not reasonably founded. The Slovenian transmitters cover the entire part of the Republic of Slovenia where the Italian national community resides.

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 defined as the creating, producing and broadcasting of "one radio and television programme for the Italian national community and one radio and television programme for the Hungarian national community (hereinafter national community programmes)". By shaping this programme, 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 the national community programmes".

² Act ratifying the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Austria on the Cooperation in the Fields of Culture, Education and Science (Ur.l. RS, No. 5/2002).

This activity is guaranteed by RTV Slovenija especially through units based in Maribor, Koper and Lendava and through local channels.

The national community programme must be received on at least 90 per cent 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". A national community programme or part of this programme can be handed over to another RTV organisation or producer only "with the consent of the Programme Council of the national community programme".

Regular daily radio and television programmes for the Italian national community in the Republic of Slovenia are prepared within the framework of the public RTV Slovenija at the Regional RTV Centre Koper/Capodistria (national RTV Slovenija). The radio programme comprises 18 hours daily and 126 hours weekly, while the television programme comprises 9 hours on Tuesdays, Wednesdays, Fridays, Saturdays and Sundays and 7.5 hours on Mondays and Thursdays.

In addition, the programmes of the national communities are co-financed by the state (Government Office for Nationalities) pursuant to Article 14 of the Radiotelevizija Slovenija Act (Ur.l. RS, No. 18/94, ...79/2001).

Since its independence, the Republic of Slovenia has been co-financing the Italian cultural institutions in the Republic of Croatia (EDIT Rijeka / EDIT Fiume, Talijanska unija Rijeka / Unione Italiana - Fiume, Talijanska drama Rijeka / Drama Italiano Fiume, Centar za historijska istraživanja, Rovinj / Centro di ricerche storiche, Rovigno), despite the fact that there exists no relevant legal act between the two countries.

Comments on the opinion of the Committee of Experts of the Council of Europe concerning the implementation of Article 7 of the ECRML of 6 February 2004, p. 18, No. 91

Due to historical fate and other circumstances, great differences exist among the Roma population in Slovenia, being based on traditions, language, specific way of life, as well as levels of socialisation and integration into the society. The situation of Roma in the north-eastern part of Slovenia is much better than the situation of Roma in the southern part of Slovenia.

The Republic of Slovenia endeavours for a consistent implementation of the Government Programme of Measures for the Assistance to Roma, adopted in 1995.

Education

In accordance with the Programme of Measures for the Assistance to Roma and the respective legal basis (Organization and Financing of Education and Training Act, Kindergarten Act and Elementary School Act), the Ministry of Education, Science and Sport grants to schools with Roma children supplementary educational classes for holding group classes outside the main classrooms, so that the Roma children attend classes of afternoon care.

Special norms and standards for the formation of classes are provided for Roma. The norm for the formation of a Roma class in an elementary school is 16 students, while the norm for the formation of a regular class, having at least 3 Roma students, is 21 students.

In pre-school education, a Roma class may be formed if it has at least 5 Roma children. The Ministry of Education, Science and Sport shall co-finance 25 per cent of the programme price for such a class. Some classes are intended only for Roma students, but the majority of Roma children are integrated into the general classes of afternoon care.

Specially adapted workbooks for the subjects of Slovene language, Mathematics and Natural and Social Lessons are also being prepared for Roma children.

The Ministry of Education, Science and Sport grants additional monthly funds for Roma students. These funds are allocated for the acquisition of teaching tools, as well as for certain expenses regarding special activities days, out-school trips and reimbursement for school meals. The Ministry also provides Roma students with scholarships, above all for educational professions.

Concerning the implementation of the 9-year elementary school, the Expert Council of the Republic of Slovenia for General Education in 2000 adopted the Instructions for the Implementation of the 9-Year Elementary School Programme for Roma Children (a special study group has been developing new methods of work which will be adapted to the 9-year elementary education of Roma children).

Within the framework of the "Competitiveness of Slovenia 2001-2006" programme, a three-year RD project was chosen and co-financed pursuant to a public tender. The objective of this project is to develop models of education and training of the Roma, with the ultimate goal of increasing their regular employment.

In 2002, a working group to prepare the Strategy of a Rapid Integration of the Roma Population in the Process of Education was established at the Ministry of Education, Science and Sport. Within the scope of a rapid integration of the Roma population, the Ministry also extended in 2002 its financial support for a research assignment titled "A Strategy of an Integration of Roma Children in the Elementary School Programmes".

Under the auspices of the Ministry of Education, Science and Sport, educational seminars for elementary school teachers and childcare workers on the Romany language and culture were held in Murska Sobota in 2002 and in the Dolenjska region 2003.

Attempts have been made in Slovenia to establish the grammar and vocabulary of the Romany language. The efforts made by Mr Rajko Šajnovič of the Dolenjska region and Mr Jožek Horvat – Muc of the Prekmurje region deserve special mention; they have already prepared the first draft of the written Romany language.

In late 2002, the Union of the Roma of Slovenia published a book titled The Romany language - a compilation of Romany words. The book provides an analysis of the specific character of the Romany language in Slovenia and contains a Romany-Slovenian dictionary of selected words.

The Romany language has been used in a Romany newspaper ROMANO THEM – ROMSKI SVET (The Romany World), published by the Union of the Roma of Slovenia, texts being partly in Slovenian and partly in the Romany language.

The publishing activity of the Roma has published the following publications: LUNIN PRSTAN (The Moon Ring) – a collection of poems and plays by Jože Livijen and Jožek Horvat – Muc, POT – DROM (The Path, R. Šajnovič), KRVAVA VODA (Bloody Water, J. Horvat – Muc), ROMSKI ZBORNIK - I in II (The Roma Anthology – I and II; contributions by authors from International Roma gatherings), VIOLINA – HEGEDUVA (The Violin, J. Horvat – Muc).

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

COUNCIL OF EUROPE COMMITTEE OF MINISTERS

Recommendation RecChL(2004)3 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Slovenia

*(Adopted by the Committee of Ministers on 9 June 2004
at the 887th meeting of the Ministers' Deputies)*

The Committee of Ministers,

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

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

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

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

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

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

1. reconsider its position on the Croatian language from the point of view of the Charter, identify the geographical areas in which Croatian is covered by the Charter and apply Article 7 in respect of this language; clarify the issue of the traditional presence of the Serbian language and of the Bosnian language in Slovenia in co-operation with the speakers of the respective languages;
2. apply Part II protection to German as a regional or minority language in Slovenia within the meaning of the Charter and strengthen in particular the provision of teaching of or in German as a regional or minority language, with priority for the Kočevje area;
3. ensure that the necessary integration of Romany speakers to allow their full participation in economic, social and political life also preserves their linguistic and cultural identity; engage in a process of development of Romany as a written language, in particular through standardisation, preferably at European level, in close co-operation with the representatives of all the Roma communities present in Slovenia as well as with the other European States concerned, and strengthen the teaching of the Romany language at least at lower grades even while the standardisation process is under way;
4. take the necessary measures to encourage the use of the Hungarian language in the context of court proceedings and economic life in the ethnically mixed areas concerned;
5. establish a strategy to strengthen the use of the Italian language in the context of public administration and public services in the areas currently defined as "ethnically mixed", and progressively

extend the scope of the protection currently provided for the Italian language in the “ethnically mixed areas” to the other areas of the three municipalities concerned, to be identified in co-operation with the speakers, where there is a stable presence of Italian speakers;

6. make its periodical reports on the implementation of the Charter public.