

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).