

Appendix II: Comments by the Slovenian authorities

Comments of the Republic of Slovenia on the Second Report of the Committee of Experts of the European Charter for Regional or Minority Languages on Slovenia

Comments on recommendation proposals based on results of the second monitoring (p. 43)

Items 1 and 2:

Upon depositing the instrument of ratification of the European Charter for Regional or Minority Languages, the Republic of Slovenia informed the Secretary General of the Council of Europe that in the sense of the Charter the Italian and Hungarian languages were regional or minority languages on the territory of the Republic of Slovenia. In accordance with Article 7, paragraph 5 of the Charter, the Republic of Slovenia will apply *mutatis mutandis* Article 7, paragraphs 1 to 4, to the Romany language as well.

It should be emphasised that it was already in the Statement of Good Intentions of 1990 that the Republic of Slovenia devoted attention to members of other nations and nationalities. Item 1, paragraph 2 states: "The Slovene state guarantees its Italian and Hungarian national minorities that within the independent Republic of Slovenia they shall enjoy all the rights that are laid down by its Constitution and laws, as well as international agreements signed and recognised by the Socialist Federal Republic of Yugoslavia. Likewise, it guarantees the members of all other nations and nationalities their right to an overall cultural and linguistic development, and to all those who have their permanent residence in Slovenia that they can obtain Slovene citizenship, if they so desire."

As early as 2001, the Government Office for Nationalities requested the Institute for Ethnic Studies to carry out a research entitled "The situation and status of members of the former Yugoslav nations in the Republic of Slovenia". The purpose of the research was to ascertain the situation and status of members of the former Yugoslav nations in the Republic of Slovenia.

The authors of the research hold different positions as regards the handling and further regulating the situation and status of the former Yugoslav nations in the Republic of Slovenia.

Several solutions have been proposed:

- Further handling of this field within the framework of Articles 61 and 62 of the Constitution of the Republic of Slovenia;
- Complementing the existing protection of minority ethnic communities in Slovenia in the sense of greater flexibility and adaptability to the actual living conditions, the number of community members as well as to the voiced requirements and actual needs of these communities (amending of the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia and adopting a relevant resolution in the National Assembly of the Republic of Slovenia);
- Amending the Constitution and, based on that, adopting a relevant law that would equalise the members of the nations of the former Yugoslavia, as modern immigrants, with the classical national minorities that remained and/or came into existence in Slovenia as a consequence of border changes and the formation of new states.

The Constitution of the Republic of Slovenia does not contain provisions relating directly to the special protection of members of other ethnic groups. These can exercise their rights under Articles 14, 61 and 62 of the Constitution. Exercising these individual rights enables them to preserve their national, linguistic and cultural identities.

Legal basis for the status of members of the nations of former Yugoslavia residing in the Republic of Slovenia has been, *inter alia*, provided by the Exercising Public Interest in Culture Act and the National

Programme on Culture. These represent an important legal basis, which places the handling of this field in the framework of protection of cultural diversity as the wealth of Slovenia's cultural life.

Legal basis for the status of members of the nations of former Yugoslavia residing in the Republic of Slovenia has been provided by the bilateral (cultural) agreements concluded between the Government of the Republic of Slovenia and governments of countries of origin of minority ethnic communities and/or immigrants.

As a rule, the provisions in bilateral agreements refer to the creation of possibilities for both parties to provide language instruction for the ethnic communities in the Republic of Slovenia as well as Slovenian language instruction for the persons of Slovenian ethnic origin in individual newly established states successors to the former SFRY (e.g. Slovenian national community in the Republic of Croatia).

The constitutional provisions of Articles mentioned above are also applicable to members of the German-speaking ethnic group in Slovenia. Likewise, the Agreement between the Government of the Republic of Austria and the Government of the Republic of Slovenia on Cooperation in the Fields of Culture, Education and Science provides the possibility of projects satisfying wishes and needs of the members of the German-speaking ethnic group in Slovenia in the fields of culture, education and science.

It has to be stressed that the implementation of Articles 61 and 62 of the Constitution of the Republic of Slovenia, i.e. exercising cultural rights, is provided for by the Ministry of Culture and the Ministry of Education and Sport. Both institutions respond in accordance with the national law and assumed international obligations to well grounded needs of the members of the Italian and Hungarian national communities, the Roma ethnic community and members of other ethnic groups in the Republic of Slovenia.

Any solutions regulating the use of languages in Slovenia that would differ from the present one would require a new plebiscite on the issues that have been decided upon on the establishment of the independent state of Slovenia, and consequently an amendment of the Constitution of the Republic of Slovenia. (In compliance with Article 11 of the Constitution the official language in Slovenia is Slovenian. In the municipalities where Italian or Hungarian national communities reside, the official language of the administration is also Italian and Hungarian, respectively.)

Item 3

Data on the education structure of the Roma ethnic community show a low education structure as the majority of its members have not finished elementary school. The Strategy for Education of Roma in the Republic of Slovenia was adopted in 2004 to improve the integration of the members of the Roma community into society. The Strategy envisages the integration of Roma children into pre-school institutions at least two years before they enter elementary school, i.e. with four years of age at the latest, with the purpose of language learning (both Slovenian and Roma).

The Roma Education and Information Centre (REIC) is an institution established to improve the level of education of Roma, pursuing the following aims:

- Improving the general situation of Roma (education, employment, self-perception);
- Establishing a national professional qualification "Roma mentor" and providing for activities of Roma mentors within the Roma Education and Information Centre.

A working group for the preparation of the occupational standard "Roma assistant" and "Roma coordinator" is active within the National Institute of the Republic of Slovenia for Vocational Education and Training.

On 18 December 2006 the Expert council for technical and vocational education adopted the occupation standard "Roma assistant" and the occupation standard "Roma coordinator", as well as the Catalogue of standards of professional knowledge and skills for the professional qualification "Roma assistant" and the

Catalogue of standards of professional knowledge and skills for the professional qualification "Roma coordinator".

Item 4

Already in the first evaluation report The Expert Committee established that Slovenia guarantees very high legal standards for the protection of Hungarian and Italian languages; Slovenia has maintained and developed these standards ever since.

We are aware that there is a deficit in the area of implementing applicable laws. In compliance with applicable legislation and abilities in the area of finances and human resources, Slovenia endeavours to respond to the needs of both national communities.

An important step has been made with the Act Amending the Consumer Protection Act, which stipulates, *inter alia*, in Article 2, Paragraph I that a company (commercial law entity in private law) must conduct business with consumers in Slovenian and, in the areas populated by autochthonous Italian or Hungarian national communities also in the language of the relevant national community.

With regard to this Act, companies Petrol, Slovenian Energy Company, d.d. from Ljubljana as well as Tibor Feher, sole proprietor, from Lendava and Mercator Business System, d.d. from Ljubljana, have filed an initiative for a review of constitutionality and legality with the Constitutional Court of the Republic of Slovenia. In their initiative, they challenged Article 2, Paragraph I of the Act Amending the Consumer Protection Act, maintaining that it represents an inadmissible restriction of the free economic initiative and an unjustified infringement against the right under Article 74 of the Constitution.

In its decision No U-I-218/04-31 of 20 April 2006 the Constitutional Court of the Republic of Slovenia decided that Article 2, Paragraph I of the Act Amending the Consumer Protection Act is not in disagreement with the Constitution; however, the Court also decided that the Act was in disagreement with the Constitution, since it did not determine the deadline for the required adjustment of business operations, and tasked the National Assembly of the Republic of Slovenia with eliminating the established disagreement within six months of the publication of this decision in the Official Gazette of the Republic of Slovenia.

In the beginning of November 2005 the amended Public Administration Act came into force. The amendment refers to Article 4, which at present reads:

"In those municipalities where Italian or Hungarian autochthonous national communities reside, the official languages of the Administration shall also be Italian and Hungarian, respectively. In these areas the administration shall conduct proceedings also in the language of the national community. If the party to the proceeding uses the language of the national community, the administration shall conduct the proceeding in the language of the national community and issue legal and other acts in the proceeding in Slovene language as well as in the language of the national community. The party must be familiarized with this right prior to the beginning of the proceeding."

In March 2005 the Decree on Administrative Operation entered into force, replacing the Decree on the Document Management by Public Administration Bodies and other implementing regulations. Thus, the Decree stipulates *that all key events registered on the national e-Government web portal must also be available in Italian and Hungarian languages; the same applies to the basic information about the portal.* Furthermore, on-line application forms and on-line information about administrative services of the relevant body must also be available in Italian and Hungarian languages.

Web pages of the national web portal of the Republic of Slovenia aimed at the members of the Italian and Hungarian national communities (Italian and Hungarian version), are currently under construction.

Item 5

In accordance with Article 11 of the Constitution of the Republic of Slovenia, two official languages are used only in specified ethnically mixed areas, i.e. areas historically populated by the Italian and Hungarian national communities (autochthonous population), which are defined by the Establishment of Municipalities and Municipal Boundaries Act.

Ethnically mixed areas which are historically populated by the Italian national communities and where both, Slovene and Italian, are official languages comprise the following areas:

- Koper/Capodistria Municipality with the settlements Ankaran/Ancarano, Barizoni/Barisoni, Bertoki/Bertocchi, Bošamarin/Bossamarino, Cerej/Cerei, Hrvatini/Crevatini, Kampel/Campel, Kolomban/Colombano, Koper/Capodistria, Prade/Prade, Premančan/Premanzano, a part of the settlement Spodnje Škofije/Valmarin, Šalara/Salara and Škočjan/San Canziano;
- Izola/Isola Municipality with settlements Izola/Isola, Dobrava pri Izoli, Jagodje, Livada and Polje pri Izoli;
- Piran/Pirano Municipality with settlements Piran/Pirano, Portorož/Portorose, Lucija/Lucia, Strunjan/Strugnano, Seèa/Sezza, Seèovlje/Sicciole, Parecag/Parezzago and Dragonja.

Ethnically mixed areas on the territory of Slovenia which are historically populated by Hungarian national communities and where both, Slovene and Hungarian, are official languages comprise the following:

- Hodoš/Hodos Municipality with settlements Krplivnik/Kapornak and Hodoš/Hodos;
- Moravske Toplice Municipality with settlements Èikeèka vas/Csekefa, Motvarjevci/Szentlászló, Pordašinci/Kisfalu, Prosenjakovci/Pártosfalva, Središèe/Szerdahely;
- Šalovci Municipality with the settlement Domanjševci/Domonkosfa;
- Lendava Municipality with settlements Banuta/Bánuta, Èentiba/Csente, Dolga vas/Hosszúfalu, Dolgovške gorice/Hosszúfaluhegy, Dolina/Völgyifalu, Dolnji Lakoš/Alsólakos, Gaberje/Gyertyános, Genterovci/Göntérháza, Gornji Lakoš/Felsőlakos, Kamovci/Kámaháza, Kapca/Kapca, Kot/Kót, Lendava/Lendva, Lendavske gorice/Lendvahegy, Mostje/Hidvég, Petišovci/Petesháza, Pince/Pince, Pince marof/Pincemajor, Radmožanci/Radamos, and Trimlini/Hármasmalom;
- The Dobrovnik Municipality with settlements Dobrovnik/Dobronak and Žitkovci/Zsitkóc.

Members of the Italian and Hungarian national communities are also guaranteed certain rights that apply outside ethnically mixed areas (e.g. entry into a special electoral register for the election of a deputy to the National Assembly of the Republic of Slovenia, the right to learn one's native language outside the ethnically mixed area under certain conditions).

Furthermore, Articles 61 and 62 of the Constitution of the Republic of Slovenia, which guarantee to all citizens of the Republic of Slovenia the right to freely express affiliation to their nation or national communities, to foster and give expression to their culture and to use their language and script, also apply to them.

Item 6

The Government Office for Nationalities will make an effort to include exact information, required by the Committee of Experts, in the third periodic report

The information provided will be a result of data, collected in the field, and needs, wishes and incentives, expressed by members of the Italian and Hungarian national communities, the Roma ethnic community and other ethnic groups in the Republic of Slovenia.

Comments to individual paragraphs of the second report

Paragraphs 29, 37, 39, 40:

The interstate agreement between Slovenia and Austria is not the only document of the Slovenian authorities on the protection of the German language and cultural heritage of Kočevje Germans; to this one could add the part of the programme in the area of protection of cultural heritage and the special programme by the Ministry of Culture which also includes linguistic projects of the German-speaking community in Slovenia and other minority communities. Paragraph 39 states that the Committee was informed of the mentioned special programme by the Ministry of Culture and commended it, however it did

not agree with the limitation of these endeavours only to cultural area, but recommended the presence of the mentioned languages also in public life, especially in the media.

Paragraph 31

In connection with the recommendation that the mentioned regional and minority languages be regarded as the expression of cultural wealth (and that this does not demand the constitutional recognition of the minority communities) it should be noted that Slovenian governmental policy already pays attention also to these languages through the support to linguistic projects, submitted as a result of the public appeal by the Ministry of Culture. In this way it considers and recognizes them as a contribution to cultural diversity and the wealth of Slovenia's cultural life. It is true, however, that areas where the mentioned languages are traditionally spoken are not officially identified. There are also no expert guidelines made for decision-making on these matters. Considering the fact that in 2005 the funds for the special programme of minority communities, in which linguistic projects are given preference, increased by 100%, we can report on the progress in creating financial conditions also for linguistic diversity. In the Information-Documentary Centre for Heritage, the collection of works in different languages supported by the Ministry of Culture has been increasing. They are also accessible through the information system COBISS.

Paragraphs 41 to 49

The expectation of the Committee regarding actions taken by the State to integrate different groups of members of the German-speaking community in Slovenia is not really clear, since the State can not force anyone into integration and/or association (Article 42 of the Constitution). The support of the Ministry of Culture for the cooperation of different minority communities that the Ministry presented in its contribution was welcomed in paragraph 42; the Ministry will continue with these activities, since this is a permanent objective of the minority cultural policy.

The curricula of the Slovenian elementary and secondary schools already include in the obligatory part the possibility of learning German language as the first foreign language. It is true, however, that this opportunity is only given from the 4th year of the elementary school (the second educational period). In the future we want to encourage the preparation of programmes with which the mentioned ethnic community would be enabled the development of their identity and culture - which directly means the setting up of a syllabus/activity which would be placed in the provided part of the curriculum. This is an opportunity offered to the members of these ethnic communities to be informed with their culture and language, and to preserve their identity.

The Croatian and German languages are available as optional subjects from the seventh class onwards for 2 hours a week. Curricula are published on the web pages of the National Education Institute.

Paragraph 57

The themes of regional and minority languages in the curriculum, study materials and programmes of training of teachers have been included in the development and research project that will end in 2008. It will be possible to present the of the research and development project in the following year.

Paragraphs 62–69

The project of encoding the Romany language ended in July 2006. The Ministry of Education received the final report and forwarded it to the Union of Roma for examination and assessment. The mentioned expert basis will be the foundation for the introduction of a Romany language course. A Romany culture course has already been prepared and is to be discussed by the Council of Experts for General Education.

In 2005/06 the Bršljin elementary school changed its teaching strategies also through additional employment of teachers. With additional teachers it was possible to individualize work and to adapt it to

the needs of individual pupils. In this school year teachers note larger regular presence of the Roma pupils in school classes and greater motivation for school work. On average the Roma pupils' results have improved, it is true, however, that some pupils have made much more and rapid progress than others. Results have improved especially in children where the cooperation of parents is better. Teachers at the Bršljin elementary school regularly visit families in the Roma settlement which has in turn strengthened trust in the school. Expert report of the school was forwarded to the Council of Experts.

Paragraphs 83–87 and 144–148 (Article 8(i))

As already stated, members of the Italian and Hungarian nationality are actively cooperating in the educational process in accordance with the school legislation.

The highest expert authority in the field of education and schooling is the Council of Experts of the Republic of Slovenia for General Education, which also, *inter alia*, lays down educational and schooling programmes for members of the Italian and Hungarian national communities, and provides expert assistance in adopting decisions and drafting regulations.

Article 7 of the Special Rights of the Italian and Hungarian National Communities in Education and Schooling Act (OJ RS, No. 35/2001) stipulates as follows:

"Prior to the adoption or determination of programmes under Article 5 of this Act, the competent council of experts must acquire the opinion of the competent body of the Italian and/or Hungarian self-governing national community in the Republic of Slovenia.

The competent council of experts cannot adopt or determine an educational or schooling programme without the agreement of the council members, representatives of the Italian and/or Hungarian self-governing community."

The education committee for national communities has been established within the Council of Experts of the Republic of Slovenia for General Education, and is composed of three members. Two of them are representatives of both national communities and at the same time members of the Council of Experts.

The committee deals with issues relating to education in the ethnically mixed areas populated by members of the Italian and Hungarian nationalities. At the same time, the committee passes opinions to the Council of Experts regarding the adoption of syllabuses, curricula, adaptation of programmes, etc. in these areas.

Article 24 of the same Act stipulates:

"The minister responsible for education must acquire the consent of the competent body of the Italian and/or Hungarian self-governing national community in the Republic of Slovenia concerning norms and standards which form the basis for the financing of public pre-school institutions and schools with Italian as the language of instruction and bilingual pre-school institutions and schools."

Prior to the adoption of rules on norms and standards serving as a basis for organising and financing schools from the state budget in bilingual elementary schools and schools with Italian as the language of instruction in ethnically mixed areas, both self-governing national communities gave their consent in compliance with the Act.

Slovenia also provides a developmental and advisory function within the units of the National Education Institute. For this purpose, the Institute provides professionals recruited among members of ethnic communities for the needs of pre-school institutions and schools with Italian as the language of instruction and bilingual pre-school institutions in schools.

The National Inspectorate of Education and Sport is responsible for control over the implementation of laws, other regulations and acts in all educational institutions in the Republic of Slovenia under the Education Inspection Act (OJ RS No 114/05 - official consolidated text).

The Ministry of Education reports annually to the Office for Nationalities on the financing of national communities in education and schooling and explains potential conceptual ambiguities.

The establishment of a special supervisory body would not be rational neither from financial nor from the expert point of view, as control over the implementation of regulations governing the organisation and

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implementation of education and schooling activities in pre-school institutions and schools is carried out by the Inspectorate of Education.

The implementation of the constitutional and legislative provisions relating to the special rights of members of the Italian and Hungarian national communities is monitored by the Government Office for Nationalities; whereas the representatives of national communities participate in accordance with education legislation in decision-making and implementing tasks relating to their status in education and schooling.