

# Slovenian legislative system for minority protection

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## Abstract

The three constitutionally recognized autochthonous national minorities in Slovenia (Hungarians, Italians and Roma) enjoy a privileged status in comparison with the other minority ethnic groups that originate from the territories of former Yugoslavia and who greatly outnumbered those traditional national communities. National legislation, case law as well as the practices of national authorities that should provide for a successful accommodation of minority ethnic groups are examined in this paper in order to gain understanding whether Slovenia's accession to the European Union has enhanced the level of a minority protection in the country.

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## 1. Introduction

Occupying territory of just about 20.000 square kilometres, Slovenia is among five smallest European Union's member states. However, out of ten new member states that enriched the European Union on May 1, 2004 Slovenia is having the most advanced economy. In thirteen years after its declaration of independence in June 1991, Slovenia has done a remarkable transition towards pluralist democracy and a market economy, particularly compared with the other countries in its eastern neighbourhood that had been members of the same country, socialist Yugoslavia. Bordering Italy on the West, Austria on the North, Hungary on the East and Croatia on the South, it aspires to be considered a Central European country. The country indeed has historical ties with Central Europe since it had been ruled by Austria until 1918. Later it joined the Kingdom of Serbs, Croats and Slovenes, that became Yugoslavia in 1929. Slovenes were recognized as one of six constituent nations of the Social Federal Republic of Yugoslavia that came into being after the World War II.

The legislative provisions on the protection of national minorities are contained in the Constitution and a number of special laws regulating various issues of minority protection. However, this overview of minority rights in Slovenia explains not only the legislative provisions but also applied governments' policies towards integration of minorities and the most relevant Constitutional Court's ruling concerning implementation of minority rights. The overview will proceed by introducing the constitutional framework, the possibility of minority participation in public life and the use of minority language in education and media.

## 2. General information

### 2.1 Number and Location of National Minorities

Slovenia is an ethnically homogenous country. Out of 1,964.036 inhabitants registered in the 2002 Census, 83.06 % of population was of Slovene ethnic origin.<sup>1</sup> The Hungarian community forms 0.32 %, Italian 0.11 % and Roma community 0.17 % of population respectively. The Hungarian and Italian ethnic communities are considered to be autochthonous minorities.<sup>2</sup> Roma are guaranteed similar status. Being entitled to the status of the autochthonous groups, those three ethnic communities are not only given privileged treatment by the legislation, but also implicitly a stronger level of protection. Approximately 8.500 members of Hungarian national community are settled in the northern part along the border with Hungary in five municipalities (Hodoš, Moravske Toplice, Šalovci, Lendava, and Dobrovnik).<sup>3</sup> The Italian national community (numbering approximately 3.000 persons) is settled in three coastal municipalities (Koper/Capodistria, Izola/Isola, and Piran/Pirano) along the border with Italy. Most Roma live in the north-eastern part of Slovenia. Even though official data report 3.246 citizens of Roma ethnic origin it is unofficially estimated there are between 6.500-7.000 members of Roma minority in the country as many Roma have not officially registered as members of the Roma community in the census.<sup>4</sup> Since the total number of registered Roma remains under the legislative limit, Roma minority has not been granted protection it is constitutionally entitled to. In addition, not all members of Roma community might enjoy constitutionally guaranteed rights. Those apply only to those members of Roma minority who are considered 'autochthonous' while 'non-autochthonous' Roma who immigrated (e.g. as refugees in 1990s) are not entitled to the protection in spite of having a citizen status.

### 2.2 Non-Autochthonous Ethnic Groups

The other significantly present ethnic groups are Serbs (1.98 %), Croats (1.81 %), Bosniaks/Muslims<sup>5</sup> (1.63 %), Albanians (0.31 %) and Macedonians (0.20 %). A vast number of them have arrived to Slovenia after the Second World War and settled in industrial towns, as a result of internal economic migrations within former Yugoslavia, to which Slovenia belonged to till 1991. Members of those ethnic communities, together with other linguistic and religious communities (Czechs, Germans, Jews, Slovaks, Turks, Ukrainians and others) that dwell on Slovenian territory, are not recognized collective rights granted to the

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<sup>1</sup> Statistical Office of the Republic of Slovenia, Census of population, households and housing 2002 at <<http://www.stat.si/popis2002/en/>>

<sup>2</sup> A clear definition of what the term *autochthonous* means, and the criteria for fulfilling this condition do not exist in a positive Slovenian legislation. See Novak Lukanovic, S. *The Italian and Hungarian Autochthonous Ethnic Communities and the Romany in the Republic of Slovenia*, Public Relations and Media Office of the Government of the Republic of Slovenia, at <<http://www.uvi.si/eng/>>. See Jalušič, V. *Minority Protection in Slovenija: General Evaluation*, Peace Institute – Institute for Contemporary Social and Political Studies, Ljubljana, at <[http://www.mirovni-institut.si/eng\\_html/publications/Minority.doc](http://www.mirovni-institut.si/eng_html/publications/Minority.doc)>. See also Mekina, I. *Slovenia and Minorities: Some are more equal than the others*, at <<http://www.aimpress.ch/>>.

<sup>3</sup> The Law on the Establishment of Municipalities and the Determination of their Territory, Official Gazette, 60/94. The texts of the Slovenian legislation in Slovenian language can be found on the site of the Official Gazette of the Republic of Slovenia (Uradni List Republike Slovenije), at <<http://www.uradni-list.si/>>. A number of the Slovenian legislation in English can be found in the electronic data base Minority Rights Information System (MIRIS) at <<http://www.eurac.edu/miris>>.

<sup>4</sup> Number of Roma estimated in the European Commission's Annual Monitoring Reports on Slovenia's progress towards accession, at <<http://europa.eu.int/comm/enlargement/>>.

<sup>5</sup> The ethnic category Muslim was introduced in the former Yugoslavia's census of population for the first time in 1953, while Muslims were only in 1974 constitutionally introduced as one of Yugoslav constituent nations. The majority of persons confessing Islam and originating from Bosnia and Herzegovina have decided to declare themselves as Bosniaks upon the introduction of independence of that country in 1992. Their decision was followed by the other members of the same ethnic groups dwelling in neighboring countries. However, some have continued to register themselves in censuses of other countries as Muslims, what has created parallel existence of two similar categories. The statistical offices usually list Bosniaks as the ethnic category and Muslims in the category of "others" (e.g. Croatian State Institute for Statistics) or list both categories in the census' results (e.g. Statistical Office of Serbia and Montenegro). In the case of Slovenia, it was possible to opt for both categories, both being enlisted as well in the list of population by ethnic affiliation, at <<http://www.stat.si/popis2002/en/>>.

autochthonous minorities.<sup>6</sup> However, a part of German, Serb or Croat ethnic communities would be probably entitled to be recognised as autochthonous minorities since their members have been residing on that territory of Slovenia for centuries.<sup>7</sup> The number of citizens who declared belonging to the Muslim/Bosniak ethnic community has increased in a previous decade due to the arrival of refugees from Bosnia and Kosovo. This community has been striving to build an adequate place of worship. Since it does not benefit from special cultural rights that the autochthonous minorities are entitled to, the request to be granted a space where a mosque would be built has been administered for several decades. Although a site has already been granted by the authorities, the construction of the mosque has yet not started due to administrative delays.<sup>8</sup> The rights ensured to members of non-autochthonous ethnic groups are contained in the constitutional provisions on the equality before the law, the expression of national affiliation, the right to use one's language and script and the right to assemble and associate.

The country has granted citizenship to the majority of members belonging to ethnic communities from the countries of former Yugoslavia that resided in Slovenia and who had a permanent residence there prior to country's independence and applied within a time-limit of six months after the publication of the law.<sup>9</sup> However, due to the time constrains in application period, insufficient information on the procedure and situations in successor states in former Yugoslavia, a number of immigrants eligible for the citizenship failed to apply or was rejected the citizenship. This resulted with a removal of about 18,000 persons which are popularly named "erased" from the register of permanent residents after they failed to meet the deadline set on February 26, 1992. The government tried to repair this in 1999, passing the Law on the Regularisation of the Status of Citizens of the Other Successor States to the Former SFRY in the Republic of Slovenia<sup>10</sup> which provided the opportunity for persons with no legal status to apply for a permanent residence permit under certain conditions and within a period of three months. Furthermore, the Law on Citizenship was amended in 2002 in order to facilitate the acquisition of citizenship for persons who had not succeeded to regularise their legal status under the aforementioned laws. Since a certain number of people remained without civil status following the renewed government's efforts and after the Constitutional Court decided that the Law on the Regulation of the Status of Citizens of Other Successor States to the Former SFRY in the Republic of Slovenia was inconsistent with the Constitution,<sup>11</sup> the government put forward a bill with the aim to retroactively restore residency rights. The bill was however rejected by the majority of voters in the referendum held on April 2004. The Constitution prescribes a right of political asylum for foreigners and stateless persons persecuted for their commitment to human rights and fundamental freedoms (Art.48). Foreigners, refugees and asylum seekers are furthermore dealt with in legislation on asylum that has been promulgated in the August 1999.<sup>12</sup>

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<sup>6</sup> Apart from being considered economic immigrants, those ethnic communities are sometimes considered "new-era ethnic minorities" or "newly emerged minorities" being opposed to "indigenous" or "privileged" autochthonous minority communities. See Komac, M. *The Protection of Ethnic Minorities in the Republic of Slovenia*, in Polzer, M. Kalcina, L. Zagar, M. (Eds.), *Slovenia and European Standards for the Protection of National Minorities*, Information and Documentation Centre on the Council of Europe, Institute for Ethnic Studies, Ljubljana, Österreichisches Ost- und Südosteuropa-Institut Wien, 2002. See also McGonagle, T. Davis Noll, B. and Price, M. (Eds.), *Minority-Language Related Broadcasting and Legislation in the OSCE Region*, September 2003, pp. 407-417, at <<http://www.ivir.nl/index-english.html>>.

<sup>7</sup> See Igor Mekina, *Minorities in Slovenia: Some are more equal than the others*, March 30, 2001, Alternative Information Network, at <<http://www.aimpress.ch/>>.

<sup>8</sup> See the report of the European Commission Against Racism and Intolerance of the Council of Europe, July 2003, at <[http://www.coe.int/t/E/human\\_rights/ecri/](http://www.coe.int/t/E/human_rights/ecri/)>.

<sup>9</sup> In accordance with Art. 40 of the Law on Citizenship approximately 171.000 persons were granted Slovenian citizenship. Law on Citizenship, Official Gazette, 8/91, 96/02.

<sup>10</sup> Law on the Regulation of the Status of Citizens of Other Successor States to the Former SFRY in the Republic of Slovenia, Official Gazette, 61/99, 64/01.

<sup>11</sup> The Constitutional Court's decision U-I-246/02, Official Gazette, 36/03.

<sup>12</sup> Law on Asylum, Official Gazette, 61/99.

### 3. Legislative framework

#### 3.1 Constitutional Provisions that Guarantee Minority Protection

The Constitution<sup>13</sup> contains a general anti-discrimination clause, ensuring equal human rights and fundamental freedoms and equality before the law to each individual irrespective of his/her national origin, race, sex, language, religion, political or other beliefs, financial status, birth, education, social status or other personal status (Art. 14). Racial and ethnic intolerance is rarely manifested in the country. Any kind of incitement to ethnic, racial, religious or other discrimination, as well as the inflaming of ethnic, racial, religious or other hatred or intolerance is punishable (Art. 63). Slovenia yet has to transpose antidiscrimination legislation that forms part of the EU's *acquis*, namely the Race Equality Directive and the Employment Equality Directive.<sup>14</sup>

The Slovenian Constitution provides special rights for the Hungarian, Italian and Roma minorities to political participation and the right to exercise their own cultural, linguistic and educational affairs. Slovenian legislation applies a principle of territoriality which stipulates that the special rights guaranteed to national minorities are exercised in their autochthonous settlements. Furthermore, special rights guaranteed to the Italian and Hungarian national minorities are applied irrespective of the number of minorities' members. Minorities are also encouraged to foster contacts with their kin-states as well as with other Italian and Hungarian communities living in other neighbouring states (Art. 64.1). Anthems of the minority groups may be performed along an official anthem during ceremonial events in those areas traditionally inhabited by Italian or Hungarian communities.<sup>15</sup> The Constitution foresees a right of peaceful assembly and association which provides a legal base for a formation of minority associations dealing mainly with cultural and information activities (Art. 42).

The Constitution prescribes special rights of the autochthonous Italian and Hungarian ethnic communities that are guaranteed collectively to members of those two ethnic groups (Art. 64). The special status of the Roma community is also guaranteed by the Constitution, which foresees the adoption of a special law for the protection of Roma (Art. 65). Roma, as the most discriminated ethnic community, face difficulties with integration, housing, employment and health care.<sup>16</sup> The first government's Programme of Measures for Helping Roma was launched already in 1995 while a more comprehensive Programme on Equal Opportunities of Employment for the Roma has been introduced in 2000.<sup>17</sup> The prospective of EU enlargement additionally motivated the state to undertake a set of policies in order to improve Roma minority perspectives for a successful integration. Improvements in the fulfilment of a political component of the Copenhagen Criteria that concerns protection of human and minority rights were assessed in the regular annual reports on Slovenia's progress towards accession.<sup>18</sup> Nevertheless, the country was generally evaluated already at the beginning of the accession period as having fulfilled the greatest part of the political set of the Copenhagen Criteria successfully and was not expected to significantly improve the minority protection related legislation. Three autochthonous minorities are represented in the Government's Commissions for National Communities and for the Protection of the Roma. The Government Office for Nationalities monitors the implementation of the minority related legislation and provides funding related to media and cultural events in minority languages. It additionally co-ordinates the work of state agencies and local community bodies regarding

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<sup>13</sup> Constitution of the Republic of Slovenia, Official Gazette, 33/91, 42/97, 66/00.

<sup>14</sup> For more information see Tratar, M. (Ed.). *Report on measures to combat discrimination in Slovenia*, May 2003, at <<http://www.migpolgroup.com/>>

<sup>15</sup> Art. 21 of the Law on the Use of the Coat-of-Arms, Flag and National Anthem of the Republic of Slovenia, Official Gazette, 67/94.

<sup>16</sup> Roma minority members addressed the Ombudsman several times seeking the protection of their rights, the majority of their applications concerning the violation of a right to housing. The Ombudsman reiterated that municipal authorities are obliged to implement appropriate procedures to arrange Roma settlements in their respective territories. See Annual Reports of Human Rights Ombudsman, at <<http://www.varuh-rs.si/>>.

<sup>17</sup> EU Accession Monitoring Program: Minority Protection in Slovenia, Budapest: Open Society Institute, 2002.

<sup>18</sup> Texts of the European Commission's Monitoring Reports on Slovenia's progress towards accession can be found at <<http://europa.eu.int/comm/enlargement/>>.

the special rights of the national minorities, oversees the implementation of the Government's policies regarding minorities and has several other duties.<sup>19</sup>

### *3.2 Application of International Agreements Regarding Minority Rights*

The Constitution prescribes supremacy of international law.<sup>20</sup> All major international instruments in the field of protection of minorities have been ratified. Upon the ratification of the Council of Europe's Framework Convention for the Protection of National Minorities, Slovenia made the statement that the convention's provisions would be applied to the members of the three aforementioned autochthonous communities.<sup>21</sup> The European Charter for Regional or Minority Languages which Slovenia ratified on October 4, 2000 entered into force on January 1, 2001. The country has declared its commitment to the protection of Italian, Hungarian and Roma languages.

A bilateral agreement which binds Slovenia with respect to its Hungarian minority was concluded with Hungary in 1993. The country concluded as well the Agreement on Friendship and Cooperation with Hungary as well as the Agreement on cooperation in the field of education, culture, science and technology between governments of Slovenia and Italy in 2000. Slovenia has bound itself to respect the provisions of the Osimo treaty which was originally signed on November 10, 1975 in Osimo near Ancona between Italy and the Socialist Federal Republic of Yugoslavia. It peacefully solved disputed issues that originated from the World War II. Among other provisions, it set down the right of Italian claimants for compensations for the property they left behind on the Yugoslav territory after they fled to Italy in the aftermath of the World War. It furthermore established the right to protection of the Italian ethnic minority in Yugoslavia and the Slovene minority in Italy. Bilateral agreement on mutual protection of national minorities have not been signed yet with Italy, but both countries have guaranteed in the legislation a special status to the national minority members of Slovene and Italian ethnic origin.<sup>22</sup> In addition, the Agreement on cooperation in the field of education, culture, science and technology between the Government of the Republic of Slovenia and the Government of the Republic of Italy was signed in 2000. A similar agreement was signed with the Republic of Austria in 2001. However, Slovenian authorities would appreciate to see improvements of the status of the Slovene minority in the Carinthia, a province of neighboring Austria.

### *3.3 Political Participation at the State and at the Local Level*

The Hungarian and Italian minorities are guaranteed the right to be directly represented in the Parliament, where they are allocated a seat each.<sup>23</sup> Minorities are granted dual voting rights in parliamentary elections and when electing members of a municipal council. Out of two votes they cast -one is for an election of the representative of the autochthonous national community and the second one for an election of other delegates or members of the municipal council or the National Assembly. They are entitled to elect representative of their ethnic community, regardless of the size of the autochthonous ethnic group, as well as to vote for regular electoral lists. The Constitutional Court ruled that the absence of criteria for the entry of members of autochthonous minorities in the special voting register of citizens with dual voting right in the Law on the Records of Voting Rights was contrary to the Constitution.<sup>24</sup> The Constitution sets down the obligatory consent of the representatives of

<sup>19</sup> See the web site of the Office for Nationalities of the Government, at <http://www.sigov.si/vrs/ang/ang-text/ministries/office-for-nationalities.html>.

<sup>20</sup> Art. 8 of the Constitution. See also Vehar, P. and Ilesic, T. *Integration of International Agreement into National Law* in Ott, A. and Inglis, K. (Eds.). *Handbook on European Enlargement*, The Hague: T.M.C. Press, 2002, pp. 331- 339.

<sup>21</sup> State Report submitted by the Republic of Slovenia on the Implementation of the Framework Convention on the Protection of National Minorities, November 2000, at <http://www.humanrights.coe.int/minorities/>.

<sup>22</sup> The Republic of Italy has passed the Law on the Protection of the Slovenian Minority in 2001 that granted minority protection to Slovenes living in the Udine province, extending the earlier guaranteed minority protection assured to Slovene minority in other two provinces Triest and Gorizia of the region Friuli-Venezia-Giulia. Slovenia, considering areas inhabited by Slovene autochthonous minority in neighbouring countries a common Slovene cultural area, has issued the Resolution on the position of the autochthonous Slovene minorities in neighbouring countries and the related tasks of state and other institutions in the Republic of Slovenia Official Gazette, 35/96.

<sup>23</sup> Art. 8.3 and 64.3 of the Constitution and Art 2.1 of the Law on Elections to the National Assembly, Official Gazette, 44/92.

<sup>24</sup> See Constitutional Court Decision U-I-283/94, Official Gazette, 20/98.



the ethnic communities in passing laws and other legislative acts regarding the recognition of the constitutional rights and status of the ethnic communities (Art. 64.5).

The political representation of minorities at the local and regional level is guaranteed through provisions in the Law on Local Government<sup>25</sup> and the Law on Local Elections.<sup>26</sup> The Law on Local Self-Government provides the right for national minorities to elect at least one representative to the municipal council in areas where autochthonous communities are settled. Statutes, regulations and other legislative act issued by the official institutions which affect the exercise of minority rights or the status of minority could be enacted only upon consent of the minority representatives (Art. 64.5 of the Constitution). In April 2001, the Constitutional Court ruled that provisions of the Law on Local Government were in breach with the Constitution as it did not provide an adequate legal basis for Roma candidates to run in the local election in the municipality Novo Mesto in which the autochthonous character of the Roma community has been established beyond doubt.<sup>27</sup> By that time the provisions on political participation of Roma in local self-government units had been implemented in only one municipality. The Constitutional Court decision resulted with the amendments to the Law on Local government in May 2002 that introduced the right of the Roma minority to be directly represented in 20 municipalities. However, the implementation of the provision falls short because many Roma have not been officially registered yet in municipal registrars what makes a total number of registered Roma under the legislative limit. Furthermore, the right to representation in municipal councils is guaranteed to Roma minority exclusively in those municipalities inhabited by autochthonous community of Roma. In those municipalities where Roma have settled as a result of immigration during the last century they do not enjoy the right of political participation at all.

### 3.4 National Minority Councils

The Constitution (Art. 64.2) and the Law on Local Government provide national minorities with the right to establish self-governing ethnic communities in the areas which they traditionally inhabit. Self-governing national minority councils as legal entities represent a special form of minority autonomy.<sup>28</sup> They are established for the promotion of needs and interests of national minorities and for organized minority participation in public matters.<sup>29</sup> The self-governing ethnic communities are elected by the members of the national community in direct elections. Elections into the council of municipal self-governing ethnic community take place simultaneously with elections for the bodies of self-governing local communities. The provisions of the Law on local elections are applied for the election of members of self-governing ethnic communities.<sup>30</sup> Self-governing ethnic communities cooperate with bodies of self-governing local communities and state bodies and are entitled to submit proposals, initiatives and opinions on matters regarding the status of ethnic communities to state bodies and to the National Council, a representative body for social, economic, professional and local interests established by the Constitution (Art. 96).<sup>31</sup> They furthermore take care of the preservation of characteristics of minority groups in ethnically mixed territories.<sup>32</sup> Activities of the Italian and Hungarian self-governing ethnic communities are financed by the state budget.<sup>33</sup>

## 4. Minority language in Education and Media

### 4.1 Use of minority languages

Even though the official language of the country is Slovene, the Constitution foresees other official languages in those areas where Italian or Hungarian ethnic communities reside (Art.

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<sup>25</sup> The Law on Local Self-Government, Official Gazette, 72/93, 57/94, 14/95, 26/97, 70/97, 74/98, 70/00.

<sup>26</sup> The Law on Local Elections, Official Gazette, 72/93.

<sup>27</sup> See Constitutional Court Decision U-I-416/98-38, March 22, 2001, Official Gazette, 28/01.

<sup>28</sup> The Law on Self-governing National Communities, Official Gazette, 65/94. Similar institutions exist in Croatia and Serbia and Montenegro. See Art. 23 of the Constitutional Law on the Rights of National Minorities in the Republic of Croatia, Official Gazette, 155/02. See also Art. 19 of the Law on protection of Rights and Freedoms of National Minorities, Official Gazette of FRY, 11/02.

<sup>29</sup> Art. 1 of the Law on self-governing ethnic communities.

<sup>30</sup> Art. 8.2 of the Law on self-governing ethnic communities.

<sup>31</sup> Art. 15 of the Law on self-governing ethnic communities.

<sup>32</sup> Art. 12 of the Law on self-governing ethnic communities.

<sup>33</sup> Art. 16 of the Law on self-governing ethnic communities.

11). The right to the use ones language and script is furthermore extended by granting a right to each person to use his own language and script in such a manner as determined by statute in areas inhabited by autochthonous minorities (Art. 62 of the Constitution). In such municipalities street names and topographical signs have to be bilingual.<sup>34</sup> Slovene is the official language used for communication with state bodies and authorities. However, the administration in municipalities inhabited by the Italian and Hungarian ethnic minorities carries out operations, conduct proceedings and issue legal and other acts in Slovene or in the language of the ethnic minority.<sup>35</sup> Moreover, administrative officials in such municipalities are obliged to be bilingual in order to be able perform their duties efficiently.<sup>36</sup> Registrars are furthermore obliged to issue extracts and certificates from registers in the Italian or Hungarian language.<sup>37</sup> The personal name of a member of the Italian or Hungarian national minority shall be entered in the Italian or Hungarian script and form, except if the member of the minority determines differently.<sup>38</sup>

If determined by statute of municipalities in which Italian or Hungarian minority live the forms for personal identity cards are printed in Slovene, English and also in Italian or Hungarian language.<sup>39</sup> Passports and visas, usually printed in Slovene, English and French, in those areas can be issued in Italian or Hungarian language instead of French.<sup>40</sup> It is possible to use Italian or the Hungarian language in the court procedures and acts for members of national minorities.<sup>41</sup>

#### *4.2 Publications in Minority Languages*

Autochthonous minorities are guaranteed the publication of newspapers and magazines in their own languages. The Italian minority issues following print editions which are co-financed by the state: 'Voce del popolo', 'Panorama', 'La Città', 'Il Mandracchio', 'Lassa pur dir', 'Il trillo'. Publications in Hungarian language 'Népújság', 'Naptár' and 'Muratai' are also backed financially from the budget. The national public broadcaster, RTV Slovenia, produces programs in Italian and Hungarian languages which are broadcasted by its regional centres Koper/Capodistria and Maribor. Furthermore, members of the Italian and Hungarian minorities appoint representatives to the Council of RTV Slovenia. Roma community publishes a magazine 'Romano them', a magazine published by Roma community contains articles in the Slovenian and Romani languages and local radio stations in Novo Mesto and Murska Sobota broadcast program in Roma language co-financed by the Office for Nationalities. The State financially supports publishing of several newspapers in languages of non autochthonous communities.

#### *4.3 Education of Minority Members*

The Constitution provides that freedom of education is guaranteed and that primary education is compulsory, and imposes on the State the duty to provide opportunities for all citizens to obtain a proper education (Art. 57). Members of the Italian and Hungarian minorities are guaranteed the right to education and schooling in their own languages from pre-school education to completed elementary education in areas where these communities reside traditionally (Art. 11 and 64 of the Constitution). The Law on Kindergartens prescribes Slovene as the language of instruction in kindergartens, providing for a possibility of bilingual instructions in ethnically mixed areas. The later option should be regulated by special statute.<sup>42</sup> The Law on Primary Schools establishes Slovene as the language of instruction in primary schools. In ethnically mixed areas in which education in primary schools is performed in languages of national minorities, special rights of the Italian and Hungarian national communities in the area of primary education are regulated by municipalities'

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<sup>34</sup> Art. 25 of the Regulations on Determining the Names of Settlements and Streets and on the Marking of Settlements, Streets and Buildings, Official Gazette, 10/80.

<sup>35</sup> Article 4 of the Public Administration Act, Official Gazette 52/02.

<sup>36</sup> Art 4.2 of the Law on Workers in State Bodies, Official Gazette, 15/90.

<sup>37</sup> Art. 30.2. of the Law on the Register of Births, Deaths and Marriages, Official Gazette, 2/87.

<sup>38</sup> Art. 3 of the Law on Personal Names, Official Gazette, 2/87.

<sup>39</sup> Art. 6 of the Law on Personal Identity Cards, Official Gazette, 75/97.

<sup>40</sup> Art. 16 of the Law on Passports for Citizens of the Republic of Slovenia, Official Gazette, 1/91.

<sup>41</sup> Art. 5 of the Law on Courts, Official Gazette, 19/94. Similar provisions are prescribed in the Art. 6 of the Law on the Office of the State Prosecutor, Official Gazette, 63/94, and in the Art. 13 of the Notary Act, Official Gazette, 13/94, 48/94.

<sup>42</sup> Art. 5 and Art. 6 of the Law on Kindergartens, Official Gazette, 12/96.

statutes.<sup>43</sup> Legislation on secondary and higher education prescribes Slovenian as the language of instruction, foreseeing additionally the possibility of carrying out the teaching in a foreign language.<sup>44</sup>

In the areas populated by the Italian national community, education is provided in separate schools, with either Slovene or Italian as language of instruction.<sup>45</sup> Bilingual instruction in kindergartens and schools in those municipalities inhabited by Hungarian national minority embraces both members of national minority and Slovenes. The different types of education in minority languages in the areas inhabited by members of the Hungarian national minority than in those areas populated by the Italian minority was a subject of a constitutional complaint. Few parents submitted a constitutional complaint arguing that in the ethnically mixed areas inhabited by the Hungarian national minority, Slovenian children were put in an unequal position compared to children from other parts of Slovenia who are taught exclusively in Slovenian language. According to the petitioners, this eventually leads to a different extent of knowledge for Slovene children living in the bilingual area gain, since they are obliged to have a command of the Hungarian language to the same extent as the Slovenian language. In its disposition, the Court stated that in forty years of the existence of bilingual schools, only few complaints by parents have been raised. Pupils that attended local educational institutions have achieved satisfactory results in secondary schools they attended in Slovenia and in Hungary, what implies that the applied educational system has not diminished their chances for a continuation of education. The abolition of an existing model, Court held, would "lead to the decline of the existing school network, and to the decline of minority schooling."<sup>46</sup>

Even though education in Roma language is also provided it is not as successful as one conducted in Italian and Hungarian languages. Certain improvements are needed in the field of education of Roma, as members of this minority group mostly face discrimination in society and difficulties with integration due to a generally low level of education. Certain actions have been undertaken; following the fact that a high number of Roma children attended classes for children with "special needs", the authorities have set up a commission to decide in a non-discriminatory manner whether a child should attend such classes or not.<sup>47</sup> Furthermore, due to the measures undertaken by the Government that was also urged in the European Commission's Accession Reports a number of Roma children who regularly attended kindergartens and school have increased.<sup>48</sup> The other ethnic communities do not enjoy the privilege of education in their mother tongues. Prezihov Voranc Elementary School taught courses in the Serbo-Croatian language until 1998 when a decision of the municipal assembly eliminated this practice.

## 5. Conclusion

The well functioning protection of linguistic differences of the autochthonous Slovenian minorities has been inherited from the former Yugoslav times. After the country gained its independence no new minority group has been granted the minority status and has not been recognized protection of linguistic rights, which are relevant component of the minority rights agenda. The examination of the situation regarding the rights of national minorities emphasizes that rights are mostly exercised by two minorities: Italian and Hungarian, while Roma and particularly other immigrant ethnic communities enjoy significantly less protection. Not all of former Yugoslavia's ethnic groups are exclusively immigrants. German, Croat and Serb ethnic communities, for example, have been dwelling in several traditional settlements in Slovenia. However, they are not entitled to the same rights as the constitutionally recognized autochthonous ethnic communities are. Nevertheless, together with other non-autochthonous ethnic groups, they are entitled to an indirect protection through a number of existing general constitutional and legislative provisions that guarantee human rights protection.

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<sup>43</sup> Art. 6 and Art. 7 of the Law on Primary Schools Official Gazette, 12/96.

<sup>44</sup> Art. 8 of the Law on Higher Education, Official Gazette, 67/93. See also Art. 8 of the Law on Occupational and Professional Education and Art. 8 the Secondary School Act, Official Gazette, 12/96.

<sup>45</sup> Law on the Implementation of Special Rights for Members of the Italian and Hungarian National Minorities in the Field of Education, Official Gazette, 12/82.

<sup>46</sup> Constitutional Court decision U-I-94/96, Official Gazette 77/98.

<sup>47</sup> See the report of the European Commission Against Racism and Intolerance of the Council of Europe, *supra* note 8.

<sup>48</sup> The Ministry for Schooling, Science and Sports Rules, Official Gazette, 82/03.



The European Commission's Monitoring Reports on Slovenia's progress towards accession have mostly highlighted inadequate level of the protection of Roma minority. Since members of the Roma minority occasionally face discrimination in employment, housing, health and education, the reports warned that policies promoting Roma socio-economic integration should be introduced. The Reports furthermore urged the Government to enhance its efforts in the implementation of the special status of Roma granted by the Constitution. An integration strategy developed for Roma minority could possibly be extended in order to include as well the immigrant communities which greatly outnumber the autochthonous minorities and are not granted any collective rights. The expected adoption of wide-ranging anti-discrimination legislation required by the EU will probably have implications on the status of members of all ethnic communities in Slovenia. Once Slovenia has embarked to the EU, it is also very likely that all its citizens will benefit from a policy of the cultural and linguistic diversity promoted in the Union.

## 6. Bibliography

Annual Reports of Human Rights Ombudsman, at <<http://www.varuh-rs.si/>>

European Commission's Monitoring Reports on Slovenia's progress towards accession, at <<http://europa.eu.int/comm/enlargement/>>

European Commission Against Racism and Intolerance of the Council of Europe, July 2003, at <[http://www.coe.int/t/E/human\\_rights/ecri/](http://www.coe.int/t/E/human_rights/ecri/)>

JALUŠIČ, V. *Minority Protection in Slovenija: General Evaluation*, Peace Institute – Institute for Contemporary Social and Political Studies, Ljubljana, at <[http://www.mirovni-institut.si/eng\\_html/publications/Minority.doc](http://www.mirovni-institut.si/eng_html/publications/Minority.doc)>

KOMAC, M. *The Protection of Ethnic Minorities in the Republic of Slovenia*, in POLZER, M. KALCINA, L. ŽAGAR, M. (Eds.), *Slovenia and European Standards for the Protection of National Minorities*, Information and Documentation Centre on the Council of Europe, Institute for Ethnic Studies, Ljubljana, Österreichisches Ost - und Südosteuropa-Institut Wien, 2002.

McGONAGLE, T. DAVIS Noll, B. and PRICE, M. (Eds.) *Minority-Language Related Broadcasting and Legislation in the OSCE Region*, September 2003, at <[www.ivir.nl/publications/mcgonagle/minority-languages.pdf](http://www.ivir.nl/publications/mcgonagle/minority-languages.pdf)>

NOVAK LUKANOVIC, S. *The Italian and Hungarian Autochthonous Ethnic Communities and the Romany in the Republic of Slovenia*, Public Relations and Media Office of the Government of the Republic of Slovenia, at <<http://www.uvi.si/eng/>>

MEKINA, I. *Slovenia and Minorities: Some are more equal than the others*, at <<http://www.aimpress.ch/>>

VEHAR, P. and ILESIC, T. *Integration of International Agreement into National Law* in OTT, A. and INGLIS, K. (Eds.). *Handbook on European Enlargement*, The Hague: T.M.C. Press, 2002.

TRATAR, M. (Ed.). *Report on measures to combat discrimination in Slovenia*, May 2003, at <<http://www.migpolgroup.com/>>

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