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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

**COMMENTS OF THE GOVERNMENT OF SLOVENIA
ON THE SECOND OPINION OF THE ADVISORY COMMITTEE ON THE
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES
IN SLOVENIA**

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**COMMENTS AND OPINION ON THE MAIN STATEMENTS AND
RECOMMENDATIONS OF THE SECOND OPINION
OF THE COUNCIL OF EUROPE'S ADVISORY COMMITTEE ON
THE FRAMEWORK CONVENTION FOR THE PROTECTION OF
NATIONAL MINORITIES
OF 26 MAY 2005**

1. IMPLEMENTATION OF ARTICLE 3 OF THE FCPNM
(Ad 28, 31, 33, 35, 37, 40, 41, 45, 46)

Ad 28

The Republic of Slovenia ratified the Council of Europe's Framework Convention for the Protection of National Minorities (FCPNM) on 25 February 1998. The Convention does not provide the definition of the notion "national minority" and leaves it to the state parties to define the ethnic groups which they consider to be national minorities to which this Convention applies. On the occasion of the ratification of the Framework Convention, Slovenia thus declared in writing, in compliance with the Constitution and the legislation of the Republic of Slovenia, such groups to be the autochthonous Italian and Hungarian national communities in the Republic of Slovenia. Unless it is contrary to the Constitution and other laws of the Republic of Slovenia (contrary to its legislation), the provisions of this Convention also apply to the members of the Roma community residing in Slovenia, traditionally or historically. The territory of Roma settlements is determined with the legislation; the same holds true of the Hungarian and Italian national communities. For other ethnic groups and immigrants residing in the Republic of Slovenia, provisions of Articles 61 and 62 of the Constitution – which ensure cultural and language development – apply and are fully implemented. The Republic of Slovenia has already taken position on this issue in a special Statement of Good Intentions of December 1990.

Ad 31

As regards the ensuring of all-round cultural and linguistic development of other ethnic groups and immigrants (persons of other nationalities and ethnicities) including Roma not residing in the Republic of Slovenia traditionally or historically, we would like to emphasize that they enjoy equal rights as other citizens and are in addition subject to special measures and assistance in the fields of culture and education aimed at their all-round cultural and linguistic development. All provisions of national acts (including Articles 61 and 62 of the Constitution) apply to such persons, except for some regulations (nine) defining special rights of Roma historically and traditionally residing in the territory of the twenty municipalities determined by law. In this context, within the competence of the relevant state bodies (e.g. the Ministry of Culture, the Ministry of Labour, Family and Social Affairs), the distinction between the two traditional national minorities in the Republic of Slovenia and the historically settled Roma ethnic community as well as other ethnic groups and immigrants is not very pronounced.

The Ministry of Culture of the Republic of Slovenia implements a number of measures for Roma who immigrated to Slovenia (e.g. financing of various cultural projects, scholarship awarded to the Roma musician Brizani, who now runs music workshops and has supported Roma cultural animators for several years). The same is true of social welfare benefits – anyone with permanent residence in the Republic of Slovenia is entitled to them – and the co-financing of preventive development programmes in the fields of social affairs and family policy as well as various forms of employment and training programmes.

Ad 33

The Ministry of Culture of the Republic of Slovenia applies a number of positive measures for other ethnic groups and immigrants: expert assistance and counselling; legal counselling on the cultural component of human rights; minority-artists service; following the media reporting on minorities and appropriate actions; recommendations to various institutions; systematic identification of cultural needs (also through financing of research projects) etc. The above mentioned and other positive measures are not applied only to the Italian, Hungarian and Roma communities but also to various other minority communities. The statement that Slovenia does not ensure comparable protection for all minority communities is not completely accurate. The positive measures are aimed at creating conditions of equal opportunity for the participation in cultural activities for all persons regardless of their ethnic identity.

Ad 35

Persons mentioned in this item are treated also by the minority cultural policy, which is aimed at maintaining different cultural identities, a treasure of Slovenia's cultural life. The dialogue with representatives is present at the level of expert agencies of the Ministry of Culture and at the highest level (minister). On 6 June 2005, for example, a meeting between the Coordination of Associations and Societies of Members of the Nations from the Former Yugoslavia and the Minister of Culture was convened. Participants discussed their cultural needs and problems. The Ministry of Culture of the Republic of Slovenia also regularly responds to the needs of the German-speaking community and Sinti. The latter have already been received at the Ministry of Culture, but have not expressed any financial needs yet.

Ad 37

In addition to Article 61 of the Constitution, other normative bases exist in the field of culture, for example: Exercising of the Public Interest in Culture Act, Librarianship Act and Mass Media Act. The above legal bases along with the National Programme for Culture are used to achieve better integration also in institutional terms in a manner that ensures conditions for the preservation of specific cultural characteristics.

Ad 40

The Republic of Slovenia endeavours to consistently and effectively fulfil the provisions of the Framework Convention for the Protection of National Minorities in accordance with the instrument of ratification and the relevant declaration of

Slovenia. This is incorporated in the legal order of the Republic of Slovenia and it is not possible to envisage any other approach since the framework is laid down by the Constitution of the Republic of Slovenia.

Ad 41

As has already been stated under Ad 28, the provisions of the FCPNM also apply to the members of the Roma ethnic community residing in Slovenia, unless this is contrary to the Constitution and other laws of the Republic of Slovenia. Article 65 of the Constitution stipulates that the status and special rights of the Roma community living in Slovenia shall be regulated by law. Article 65 is currently being implemented through sector-specific legislation and the protection of Roma community rights has thus far been regulated by nine (9) acts (Local Government Act, Local Elections Act, Voting Rights Register Act, Organisation and Financing of Education Act, Pre-school institutions Act, Elementary School Act, Mass Media Act, Librarianship Act, Exercising of the Public Interest in Culture Act).

Within the framework of the regulation of the status and special rights of the Roma community on the basis of Article 65 of the Constitution, Local Government Act is certainly the most important (Ur. l. RS, No. 72/93, 57/94, 14/95, 26/97, 70/97, 10/98, 74/98, 70/00, 51/02). Article 39 of the Act stipulates: "In the areas where the Roma community autochthonously resides, Roma shall have at least one representative in the municipal council."¹

This article regulates one of the important special rights of the Roma community, provided for on the basis of Article 65 of the Constitution, that is the right of the Roma community to the representation in the representative bodies of local government.

A provision of Article 39 of the Local Government Act indicates that the legislator's aim was to provide for the protection of the Roma ethnic community in the Republic of Slovenia in the same or similar manner as for the protection of the Italian and Hungarian national communities in the Republic of Slovenia under Article 64 of the Constitution (the Roma community, traditionally or historically residing in the territory of the Republic of Slovenia defined by law). All discussions during the preparation of the new Constitution (1989-1990) were conducted in this spirit; however, for unknown reasons this regulation came into existence at a later time.

That these special rights, in compliance with Article 65 of the Constitution, only apply to the autochthonous Roma traditionally living in Slovenia, is also the consequence of Constitutional Court decisions (decision No. U-I-416/98-38 of 22 March 2001, decision No. U-I-315/02-11 of 17 October 2002, decision No. U-I-345/02-9 of 14 November 2002).

Example - Following the initiative of Mr Rajko Šajnovič from Novo Mesto for a review of constitutionality and legality, the Constitutional Court of the Republic of Slovenia, in its decision (U-I-416/98-38) of 22 March 2001, established, *inter alia*, that the Local Government Act (Ur. l. RS,

¹ See Local Government Act (Ur. l. RS, No. 72/93 ... 70/2000).

No. 72/93 ... 70/2000) was in disagreement with the Constitution, namely in the part of the provision of Article 39, paragraph 5 stipulating that in municipalities where autochthonous Romany communities live, Roma shall have at least one representative in the municipal council.

The said provision does not enumerate any conditions under which the municipalities populated by the Roma community would be obliged to ensure in their statutes the election of a special Roma councillor at elections to local government bodies. The Constitutional Court instructed the National Assembly to remedy these unconstitutional elements.

The Constitutional Court did not adopt the position that Article 39, Paragraph 5 of the Act was unconstitutional because it laid down the obligation or the entitlement of Roma to have their representative in the municipal councils only in the municipalities, where Roma autochthonously live, but because of the fact that this article did not comprise some other provisions and enumerated conditions, under which this right was ensured.

The legislator remedied the unconstitutional elements on 30 May 2002, the changes entering into force on 12 June 2002, by defining, in Article 101a of the Act, 20 municipalities where Roma live autochthonously and satisfy all the conditions for a special councillor. Article 101a of the Local Government Act, introduced in Article 14 of the Act Amending Local Government Act (Ur. l. RS, No. 51/02), stipulates the following: "The municipalities of Beltinci, Cankova, Črenšovci, Črnomelj, Dobrovnik, Grosuplje, Kočevje, Krško, Kuzma, Lendava, Metlika, Murska Sobota, Novo mesto, Puconci, Rogašovci, Semič, Šentjernej, Tišina, Trebnje and Turnišče shall be obliged to ensure the rights of the Roma communities residing in their respective municipalities to one representative in the municipal council by the ordinary local elections in 2002."

In spite of the opposition by some municipalities and renewed filing of the request for review of the constitutionality and legality of Article 14 of the Act Amending Local Government Act, the Constitutional Court established in its decision (U-I-315/02-11) of 17 October 2002 that the provision of the Act was not in disagreement with the Constitution.

Criterion for the special right of the Roma community under Article 39 of the Local Government Act is autochthonous residence in the 20 municipalities that are clearly stated. In this way, the Act (on the basis of the legislator's authorisation) defined the territory, where Roma in Slovenia have resided historically and traditionally (for more than 500 years), that is autochthonously, and it is only in these areas determined by the borders of the relevant municipalities as in force on 12 June 2002 that Roma enjoy special rights ensured to them by the legislator through individual laws.

It is evident from the above that Roma in the Republic of Slovenia residing outside the enumerated 20 municipalities do not enjoy special rights; however, they do enjoy equal rights as any other citizen of the Republic of Slovenia, provided that they are Slovenian citizens.

Ad 45

The analysis of the Government of the Republic of Slovenia,² adopted on 29 July 2004, shows a noticeable trend of decreased importance of ethnic or linguistic identification in Slovenia, as is also the case in Europe at large.

To confirm this, it may be stated that a drastic decrease was also recorded in the number of persons who declare themselves ethnic Slovenians, as their number decreased by 58,294 persons, which is so far the greatest, and completely unexpected and hardly understandable decrease.

In the same period, a drastic decrease was also recorded in the number of members of the Slovenian minority in Austria (Carinthia) and Slovenians in Croatia; the neighbouring Croatia also recorded a considerable decrease in the number of Italians (by 1,667 persons) and Hungarians (by 5,760 persons). The situation is almost identical with regard to the decrease in the number of members of the Slovenian minority in Italy. All this, of course, is also reflected in the use of a specific minority language as a mother tongue.

Contrary to the raw statistical data³ on the number of members of the Italian and Hungarian national communities in the Republic of Slovenia obtained from optional replies, the Government of the Republic of Slovenia established in the analysis adopted on 29 July 2004, that the actual number of members of the Italian national community in the ethnically mixed areas has, in fact, even increased considerably (to 2,970 persons). Together with members of the Italian national community who live outside the ethnically mixed area (418 persons), there are 3,388 members of the Italian national community living in Slovenia, which is by 12.66% more than recorded in the 1991 census (2959 persons).

It is similar with the Hungarian national community: There are 7,297 members of the Hungarian national community living in the ethnically mixed area. Together with those members who live outside the ethnically mixed area (1,031 persons), there are 8,328 persons, which is by 3.94% more than in 1991 (8,000 persons).

² The Government of the Republic of Slovenia adopted at its 86th regular session on 29 July 2004 the Analysis on the status and exercising of special rights of the Italian and Hungarian national communities in the Republic of Slovenia with regard to the implementation of legislative, executive and other acts and the definition of possible measures for their maintenance, support and further development.

³ According to statistical data of the 1991 census, 2,959 inhabitants declared themselves members of the Italian national community and 3,882 stated the Italian language as their mother tongue. In the 2002 census 2,258 inhabitants declared themselves members of the Italian national community and 3,762 persons stated the Italian language as their mother tongue.

According to statistical data of the 1991 census, 8,000 inhabitants declared themselves members of the Hungarian national community and 8,720 stated the Hungarian language as their mother tongue. In the 2002 census 6,243 inhabitants declared themselves members of the Hungarian national community and 7,713 persons stated the Hungarian language as their mother tongue.

The above statement is confirmed by data from the voters register at the parliamentary elections in the Republic of Slovenia on 3 October 2004.

It may be concluded that the number of members of the respective national communities is higher when their interests are directly involved (elections of councillors, deputy mayors, elections to the National Assembly, etc.) than in the matters of no specific interest to them.

Ad 46

The Personal Data Protection Act,⁴ laying down the rights, obligations, principles and measures to prevent unconstitutional, illegal and unjustified intrusion into privacy and dignity of individuals when processing their personal data, stipulates that personal data can be processed only if the personal data processing and personal data being processed are defined by law or if consent of the individual concerned is given for the processing of their data. The purpose of personal data processing must be stipulated by law; in the case of data processing on the basis of individual's consent, the individual must, in advance, be informed in writing or other appropriate form about the purpose of the personal data processing.

The protection of personal data is ensured to every individual, regardless of nationality, race, colour of skin, religion, ethnic affiliation, sex, language, political or other belief, sexual orientation, possessions, birth, education, social status, nationality, place and type of residence or any other personal circumstance.

Taking into account the above facts, ministries or government offices and the competent institutions do not keep special records of persons regarding their ethnic affiliation. To determine the social and economic status of Roma and members of other ethnic groups, they can only use secondary sources of information, i.e. various studies and researches.

In November 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". Mention should also be made of a comprehensive research project "Perception of the Slovene integration policy" with the participation of experts from the University of Ljubljana (Faculty of Social Sciences), Institute for Ethnic Studies, and Slovenian Academy of Sciences and Arts. Both researches have already been finished and are available on the internet.

The Government Office for Nationalities furthermore requested the Institute for Ethnic Studies from Ljubljana to carry out a project research "The situation and status of Roma in Slovenia".

2. IMPLEMENTATION OF ARTICLE 4 OF THE FCPNM
(Ad 51, 52, 53, 60, 61, 73, 74)

Ad 51

⁴ Ur. l. RS, No. 86/2004.

Information on the frequency of cases of discrimination: The Republic of Slovenia is aware of the importance of control mechanism in the area of discrimination in Slovenia. As important institutions in this respect, the Human Rights Ombudsman and the Office for Equal Opportunities need to be mentioned. Year after year, the above institutions as well as NGO's have been gaining importance and they are increasingly visible in the Slovenian society. Nonetheless, we are aware that despite the many successes to date, disguised discrimination is still present, which, however, is hard to prove; it is equally difficult to take appropriate measures against it.

In Slovenia, statistic data and researches on the frequency of cases of discrimination against persons belonging to minorities can rarely be traced. Recently, the Supreme Court of the Republic of Slovenia and the Peace Institute, an NGO located in Ljubljana, carried out a preliminary research at two local courts (in Maribor and Novo Mesto) on the frequency of cases of discrimination on the basis of sex, ethnic origin, social status or age in criminal procedures. The research did not show any significant deviations from the above mentioned reasons.

In March 2005, the Peace Institute carried out a research in the field, financed by the Office for Equal Opportunities, about the most common forms of discrimination facing the members of ethnic minorities, disabled persons, gays and lesbians, as well as elderly people. Their findings have been published in a brochure entitled *Non-discrimination* in April 2005 by the Office for Equal Opportunities.

Authorized inspection agencies: Since 1 January 2003, the date of the entry into force of the Employment Relationship Act (Ur. l. RS, No. 42/02), Labour Inspectorate of the Republic of Slovenia detected 4 violations of Article 6 of this Act, in 2003 and 2004. However, the Labour Inspectorate does not collect data on the frequency of violations of Article 6 of this Act separately according to personal reasons under Article 6. Hence, we cannot say with certainty that there were cases of discrimination in the field of employment on the basis of racial or ethnic affiliation. Recently, the Advocate of the Principle of Equality urged the Labour Inspectorate to collect data on the frequency of violations of the prohibition of discrimination separately, according to personal reasons under Article 6 of the Employment Relationship Act.

The Culture and Media Inspectorate received a complaint from a man of Albanian origin claiming to be discriminated against in accessing TV channel KTV (Kosovo Television). His cable operator broadcasts the channel only in part and not round the clock. The Inspectorate did not detect any violation as the Mass Media Act only obliges cable operators to fully broadcast the national TV channels and channels of particular importance.

Courts: Since 1 January 2003 two cases (employment relationship) were tried at the Labour Court of Maribor and one case (employment procedure) at the Higher Labour and Social Court of Ljubljana, where the plaintiff claimed to be discriminated against on the basis of her national and ethnic origin. In none of the above cases did the Courts detect any violation of Article 6 of the Employment Relationship Act.

Dissemination of information: The Government Office for Equal Opportunities disseminates information on non-discrimination legislation through official channels (i.e. Ur. l. RS), media and in direct contact with the particularly vulnerable groups and

public (publications of relevant legislation and information brochures, leaflets and other material published on the Office website; organisation of conferences, seminars, round-table discussions on discrimination issues and participation at those events; dissemination of information material on discrimination and legal instruments available to victims of discrimination to NGOs, national-minority organisations, social partners, courts, police stations, social work centres, administrative units, municipalities, health-care institutions and other public institutions).

Ad 52

Advocate of the Principle of Equality: The institute of the Advocate of the Principle of Equality was introduced in accordance with ECRI general recommendation No. 2: Specialised bodies to combat racism, xenophobia, anti-Semitism and intolerance at national level shall be independent in their work. Since taking up office on 1 January 2005, the Advocate has received 30 complaints regarding alleged discrimination. In this, there is one case of alleged discrimination on the basis of racial or ethnic origin in a custody case, filed by a woman of Romany origin. The Advocate has not yet stated the opinion on this case.

Ad 53

The Government Office for Nationalities cooperates with the Human Rights Ombudsman. It prepared the Ombudsman's reply regarding the research entitled "The situation and status of members of the former Yugoslav nations in the Republic of Slovenia" and regarding the area of competence of the Office for Nationalities.

The Government Office for Nationalities and other government offices and ministries prepared in July 2005 a review of the situation and activities underlined in the Human Rights Ombudsman 10th Annual Report for 2004; the Government of the Republic of Slovenia is preparing a common opinion regarding the report.

Ad 60

Citizens of other successor states to the former SFRY can, on the basis of the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia (Ur. l. RS, No. 61/99, 64/01 and 36/03 – Constitutional Court decision), acquire permanent residence permits under more favourable conditions than other aliens. The Slovenian Government programme of work for 2005 envisages the preparation of a law that would settle the open issues of citizens of other successor states to the former SFRY, who lost their permanent residence in the Republic of Slovenia, when the provisions of the Aliens Act became applicable in respect of them.

Ad 61

In connection with the recommendation of independent experts regarding the promotion of tolerance, intercultural dialogue and integration of persons from other republics of the former SFRY, we would like to explain that in the past years, the Ministry of the Interior of the Republic of Slovenia was taking measures for the integration of persons with temporary refuge, in particular for the displaced persons from Bosnia and Herzegovina.

Last year, the Ministry of the Interior drew up the Regulation on the Rights and Obligations of the Refugees in the Republic of Slovenia (Ur. l. RS, No. 33/2004 and 129/2004), which stipulates ways and conditions for ensuring the rights and obligations of aliens that acquired a refugee status on the basis of the Asylum Act (Ur. l. RS, No. 134/2003 – officially consolidated text). More than a half of persons with refugee status in the Republic of Slovenia come from the republics of the former SFRY.

The formulation of integration policy for third-country citizens being residents of the Republic of Slovenia for a longer time is thus of primary importance for the formulation of a complete migration policy and as such one of priorities of the Ministry of the Interior in this field. Integration policy for third-country citizens, which will apply also to the persons from the republics of the former SFRY, will be formulated in line with the EU acquis.

Ad 73

The Government of the Republic of Slovenia devotes undivided and unceasing attention to the resolution of Roma issues.

In its decision of 7 October 2004, the Government of the Republic of Slovenia tasked the ministries and its offices to include, within their competencies, the settlement of Roma issue in their programmes, to draft action plans for their implementation as well as other programmes and measures, including financial ones, as assistance to municipalities with autochthonous Roma communities. When allocating funds from the state budget, housing conditions, education and employment of Roma deserve special attention and assistance. The ministries and government services are tasked to ensure this. Everything stated above is also being implemented to a great degree.

Housing conditions

The majority of Roma still reside in settlements isolated from other populations or on the outskirts of settled areas in circumstances below the minimum housing standards. Data show that 39% of Roma live in brick houses, half of which were built without the required licences; only 12% of them live in apartment blocks. Others reside in provisional residences – cabins, containers, caravans and similar.

On the basis of the collected data, there are more than 20 municipalities with 90 Roma settlements in Slovenia. The largest Roma settlement is Pušča in Murska Sobota Municipality, with approximately 670 residents; whereas the smallest settlement is Pince in Lendava Municipality with two residents.

In September 2004, the Public Fund of the Republic of Slovenia for Regional Development and Preservation of the Settlement of Slovenian Rural Areas published in Ur. l. RS, No. 98-99/2004 the "Public tender for co-financing projects of basic public utility infrastructure in Roma settlements". In the preparation of this project, the Government Office for Nationalities actively cooperated with the Government Office for Structural Policy and Regional Development (now Government Office for Local Self-Government and Regional Policy). The Government Office for

Nationalities advised the municipalities with Roma ethnic population to apply on this call for applications and thus ensure appropriate funds for building the infrastructure in Roma settlements and purchase land (structuring and rounding up of Roma settlements).

In July 2005, the Government of the Republic of Slovenia adopted the Implementation Programme of Assistance to Municipalities in order to settle the most urgent public utility infrastructure problems in Roma settlements in 2005. This Programme provides for the allocation of SIT 150 million to municipalities in 2005 and an additional SIT 156,158,513 in 2006 for completing projects launched in 2005. The latter funding will be allocated from the national budget for 2006, whereas the funds for 2005 were provided by the state in its revised national budget for 2005.

In December 2004, the Housing Fund of the Republic of Slovenia, public fund, published in Ur. l. RS, No. 111-112 the "Programme for promoting the distribution of rental, non-profit apartments in municipalities for 2005", which *inter alia* is aimed at resolving the housing problems of different social groups (Roma, ...). Under this Programme, a municipality, public real-estate fund or a non-profit housing organisation can acquire a loan or non-refundable funds (co-investment).

Employment

The general picture of the unemployment of Roma indicates their concentration in some areas, especially in the regions of Prekmurje and Dolenjska, which poses a problem to the two regions. The education structure is very poor – 98.2 per cent of the unemployed Roma in Dolenjska region and 90 per cent in Prekmurje region have not completed elementary school. The number of registered unemployed Roma has been growing year by year. According to the regional offices of the Employment Service at which the unemployed Roma are registered, some employers indeed have a negative attitude towards Roma. However, it has been established that the main cause of the high unemployment of Roma is their extremely poor education structure. This is illustrated, for instance, by the fact that only 1.5 per cent of the unemployed Roma in Dolenjska region have vocational education and merely 0.3 per cent have completed technical secondary schools or similar. With such an education structure, the possibility of obtaining or maintaining jobs is relatively small.

The Ministry of Labour, Family and Social Affairs and the regional offices of the Employment Service have been drawing up and implementing special active employment policy programmes for unemployed Roma for several years. The purpose of special programmes is social inclusion, preparation for the employment, which includes education and training, and (direct) employment itself. These programmes, which are tailored to the needs of specific groups, include:

- Social inclusion programme,
- Special employment programmes,
- Special education programmes, and
- Programme for the employment of Roma.

The Ministry of Labour, Family and Social Affairs has also defined special measures, projects and programmes for Roma employment:

- Equal Employment Opportunities for Roma – Our Common Challenge,
- Employment subsidies; Thousand New Opportunities Programme;
- Public works programmes.

The Ministry of Labour, Family and Social Affairs endeavours to make advances in the area of providing employment for unemployed Roma in Slovenia. An initiative entitled "**Roma issues in the area of unemployment must be resolved**" was put forward at a meeting between the Union of Roma of Slovenia and the Ministry of Labour, Family and Social Affairs held on 7 August 2003. It was decided that the Ministry of Labour, Family and Social Affairs in cooperation with the Union of Roma of Slovenia would carry out employment programmes aimed at opening new jobs, and that the Ministry would grant support to the Union of Roma of Slovenia at other ministries in this regard.

In accordance with the adopted Government Programme of Measures for Assisting Roma of 30 November 1995, the Decisions of the Government of 1 July 1999 and the Decisions of the Government of 7 October 2004, **the providing of employment opportunities and regular jobs at the headquarters of the Union of Roma in Murska Sobota and Novo mesto is in Slovenia's national interest and vital** for the continuation of the Union's operation and endeavours.

In cooperation with local communities, the Ministry of Labour, Family and Social Affairs will facilitate expansion of public works programmes for Roma, especially in the area of the environmental maintenance of Roma settlements and wider local communities and in providing learning assistance to Roma children during their schooling. This will enable 50 additional people to take part in the programmes. The aim of the programmes is to improve employment possibilities for Roma in their local environment. The Employment Service of Slovenia will take active part in the formulation of these programmes, whereby it will take into account past experience.

In collaboration with employment offices and local communities, the centres for social work also take part in implementing various local programmes for Roma.

The applicable legislation of the Republic of Slovenia also provides for motivating employers; employers who employ a long-term unemployed person (for instance a Roma) are eligible for subsidies on the basis of Article 36a of the Social Security Act. Pursuant to Article 36a of the Social Security Act, an employer employing a worker who has been unemployed for a long time and received financial social aid for at least 24 months within the last three years is entitled to an employment subsidy. The decision on the entitlement to subsidies is made by the Employment Service of Slovenia in consensus with the competent centre for social work. The Employment Service monitors the discharging of contractual obligations and acts as necessary in case of violations. If the employer terminates the contractual relationship within two years from the date of employment, he/she is obliged to pay back the subsidy in the total amount, unless the reasons for the termination of employment lie with the employee; in such an event, the case is solved with a substitute employment.

According to the data available, only 30 out of the planned 300 beneficiaries of financial social aid were employed in this way in 2004. It is therefore foreseen that this measure be changed by an amendment to the Act.

With the objective of harmonising Slovenian legislation with the European *acquis* in the area of anti-discrimination measures, the Office for Equal Opportunities drafted an Implementation of the Principle of Equal Treatment Act⁵, which has already been adopted by the National Assembly of Slovenia and includes the necessary anti-discrimination measures in compliance with European Union directives.

Education

The Council of Experts adopted the Instructions for Carrying out the Programme of the 9-year Elementary School for Roma Pupils in 2000, and the Supplement to the Curriculum of Preschool Institutions for Work with Roma Children in 2002.

In the 2003/2004 school-year, 1,469 Roma children were enrolled in elementary schools, and 1,547 Roma pupils were enrolled in elementary schools in the 2004/2005 school year.

In 2004, the Ministry mostly co-financed education of adult Roma in Kočevje, Murska Sobota and Črnomelj. Contents: functional and computer literacy, revival of Romany customs and occupations, household skills, etc.

In December 2002, the Ministry set up a special working group tasked with drawing up a strategy for ensuring the participation of Roma in education. The working group consisted of experts in the areas ranging from pre-school to adult education and representatives of the Ministry of Education and Sport, the Union of Roma of Slovenia and the National Education Institute. The Working Group drew up a strategic document entitled "Strategy for Education of Roma in the Republic of Slovenia," which was adopted by the competent expert councils in May/June 2004.

The document provides the basis for further measures in the education of Roma, while also containing an analysis of the situation to date and the Ministry's measures, a review of key unresolved issues and proposals for their settlement (e.g. inclusion of Roma children in pre-school institutions, removal of prejudices, permanent professional teacher training, etc.). The document also covers education of Roma from pre-school to adult education.

The Union of Roma of Slovenia was throughout involved in the formulation of this strategic document, and will also be engaged in its implementation.

The following are the most important solutions provided for in the document:

- Early inclusion in the education system: inclusion of Roma children in pre-school institutions at least two years prior to their enrolment in elementary school, i.e. when they are four years of age at the latest. The principal purpose of Roma children's inclusion in pre-school institutions is language-learning (both Slovenian and Romany) and their socialisation in an educational institution providing experience and models for facilitating entry and integration into elementary school;

⁵ Implementation of the Principle of Equal Treatment Act (ZUNEO), Ur. l. RS, No. 50/04.

- Roma assistant: lack of knowledge of the Slovenian language and unsuccessful integration of children may be surmounted or alleviated by the appointment of a Roma assistant, who will help children overcome emotional and linguistic barriers and represent a bridge between the pre-school institution and school on the one hand and between the school and the Roma community on the other.
- Adaptation of programme content: introduction of the Romany language lessons in elementary school as an optional subject, teaching the Slovenian language, identifying objectives (e.g. multiculturalism) or knowledge standards in curricula, which are to be achieved through contents taken from Romany culture, history and identity;
- Provision of permanent in-service training and additional education programmes for professionals working with Roma;
- Specific forms of organisation and material conditions: to at least preserve the current norms; a continued provision of financial support and assistance from the Ministry of Education and Sport;
- No segregation and homogenous departments; to apply the prescribed forms of individualisation, internal and flexible differentiation, levelled classes;
- Various forms of learning assistance;
- Confidence-building in school and removing prejudices (a special school scheme defining the activities of communicating and cooperating with parents of Roma children and a scheme for identifying and continuously removing stereotypes and prejudices that occur among the majority population in relation to Roma pupils);
- Roma pupils as an ethnic group are not pupils with special needs (pupils' poor results in school deriving from the lacking language knowledge or from the specific features of the Romany culture cannot provide a basis for sending children to programmes with lower educational standards);
- Adult education: the starting point for identifying the objectives of educating adult Roma are the basic goals set out in the National Programme of Adult Education in the Republic of Slovenia until 2010 (to improve the general education level of adult population, whereby four years of secondary schooling is the basic educational standard, to increase the employability of the adult population and their participation in lifelong learning). Particular attention will be devoted to the education of adult Roma with a view to improving their level of education and developing human resources; establishing of consultancy centres or networks in areas inhabited by Roma; introducing the institution of the Roma coordinator; taking special norms and standards for programmes involving adult Roma; and providing adequate participation in programmes and learning assistance free of charge.

The Ministry of Education and Sport will work together with other relevant ministries in settling the issues which surpass the problem of education but nevertheless affect education.

The Ministry will also carry out specific activities in cooperation with other institutions (National Education Institute of the Republic of Slovenia, Centre of the Republic of Slovenia for Vocational Education and Training, Slovenian Institute for Adult Education, Institute of Public Health, Health Protection Institute of the Republic

of Slovenia, Employment Service of Slovenia, Chamber of Commerce and Industry of Slovenia, Chamber of Crafts of Slovenia, etc.).

The Ministry will also continue to provide support for research and development projects promoting measures in compliance with this strategy.

It has to be underlined that certain objectives are long-term; therefore, the document provides for the drafting of action plans covering individual areas.

Since May 2005, the working group has been headed by the Chairman of the Union of Roma of Slovenia. Its major task is to draft an action plan for the strategy implementation.

In order to facilitate the planning of new measures, the Ministry co-finances some target research programmes:

- Within target research programmes, the Ministry has co-financed the project entitled "Development of Models for the Education and Training of Roma Aimed at Increasing Regular Employment" since 2002; the project has been carried out by the Institute for Ethnic Studies.
- The Ministry has co-financed the research and development project entitled "Ensuring Equal Opportunities in Education for Roma Children and Their Families" since 2003; the project has been carried out by the Educational Research Institute. The project focuses primarily on the integration of Roma children in schools, on improving their achievement, providing adequate training for professionals, and organising work with parents. The project also aims at reducing intolerance against Roma. The evaluation of the project will be made upon its conclusion, and on its basis we will try to transfer the solutions to schools that are not involved in the project.
- Since 2004, the Ministry has co-financed a development and research project entitled "Standardization of the Romany language in Slovenia and the inclusion of Romany Culture in Education," which is carried out by the Faculty of Education in Ljubljana.

In accordance with the 1995 Programme for Assisting Roma, Government decisions of 1999 and 2004 and some laws (Organization and Financing of Education and Training Act, Kindergarten Act, Elementary School Act), the Ministry of Education and Sport grants to schools supplementary teaching classes for Roma pupils so that they may attend after-school classes.

Lower norms and standards apply to the setting up of classes with Roma; for instance, an elementary school class can be formed of 21 pupils, provided that there are at least 3 Roma pupils among them.

Every month, the state allocates additional funds to schools for Roma pupils for the purchase of teaching tools and for expenses incurred by daily activities and excursions and the reimbursement for school meals, while it also grants scholarships to Roma students – pedagogical studies are on the priority list.

Ad 74

The Republic of Slovenia strives to ensure that Roma integrate in the society on an equal footing at all levels. For this reason, the programmes for Roma cultural activities, financed by the Ministry of Culture of the Republic of Slovenia, also include cultural activities of non-autochthonous, i.e. immigrant Roma, while the public calls for projects, issued by the Ministry of Culture, do not make any distinction between projects of autochthonous and non-autochthonous, i.e. recently immigrated Roma.

Non-autochthonous Roma have the same rights as any other citizen of the Republic of Slovenia, provided they have this status. The Republic of Slovenia has regulated this issue in the Aliens Act, particularly in Article 100 thereof (Ur. l. RS, no. 108/02).

3. IMPLEMENTATION OF ARTICLE 5 OF THE FCPNM
(Ad 80, 86, 89, 90)

Ad 80

In response to a comment of Mr Roberto Batelli, deputy of the Italian national community in the National Assembly of Slovenia, and the leadership of the Italian national community on the inconsistent application of Article 15, paragraph 2 of the Self-Governing Ethnic Communities Act, the Secretary General of the Government on 3 March 2003 issued instruction No. 023-12/2001 concerning the involvement of national communities in the decision-making affecting their members – Article 15, paragraph 2 of the Self-Governing Ethnic Communities Act (Ur. l. RS, No. 65/1994), which appeals to all state bodies (the Government, ministries and others) to comply consistently with all procedural and relevant statutory provisions. The instruction stipulates, among other things, that prior to adopting executive regulations and other legal acts within the framework of the executive (the Government, the ministries and other authorities), state bodies are obliged, under Article 15, paragraph 2 of the Self-Governing Ethnic Communities Act, to acquire a preliminary opinion of the governing bodies of national communities, as follows: a) in matters concerning the Italian national community, the opinion is provided by its highest body: the Littoral Italian Self-governing National Community, Koper, Župančičeva 39; b) in matters concerning the Hungarian national community, the opinion is provided by: the Hungarian Self-governing National Community of Pomurje, Lendava, Glavna ulica 124.

In January and March 2004, the Government Commission for National Communities met and adopted the following decision: "When drawing up the budget (financial plans) of individual ministerial bodies that finance both national communities, the Office of the Government of the Republic of Slovenia for Nationalities should in future regularly convene meetings of representatives of these bodies and of the Italian and Hungarian national communities for the purpose of preliminary harmonisation."

When the national budget was revised in 2005, more funds were allocated for cultural projects of the Italian and Hungarian national communities. A portion of additional

funds is earmarked for the establishment and operation of a cultural institute of the Italian national community, which is to be managed by the community itself.

Ad 86

The Ministry of Culture provides expert assistance in drafting proposals for funding.

Ad 89

In accordance with Article 65 of the Constitution, the Ministry of Culture drew up a special programme for Roma back in 1993, which it co-finances, monitors and analyses.

In order to meet the true needs of Roma as much as possible, the Section for Cultural Rights of Minorities and Development of Cultural Diversity at the Ministry of Culture devises programmes and other measures in cooperation with the Union of Roma of Slovenia and with individual cultural associations and individual members of the Roma community. The Ministry of Culture has developed not only financial but also normative (objectives of the minority culture policy, priorities and measures for their fulfilment) and organisational instruments (positive discrimination, expert assistance, counselling).

A basic law on the Roma community is under preparation, which will regulate the manner of systemic funding in the same way as applies to the funding of the Italian and Hungarian national communities.

Ad 90

At its fifth regular session on 6 January 2005, the Government adopted decision No 018-11/2004-1 stating: "The Government of the Republic of Slovenia has instructed the Office for Nationalities to draft a special law on the Roma community." The Government thus undertook the formulation of a basic Roma law.

The Office for Nationalities immediately embarked on the assigned task with great commitment and proposed that the drafting of the Roma law be included in the normative part of the 2005 work programme of the Government, which the Government did. The institution responsible for drafting the law is the Office for Nationalities, which is drawing up the law in cooperation with all competent ministries and government offices.

The phase of collecting views on drafting the basic Roma law is currently being concluded. The Office for Nationalities called on the following institutions to provide opinions, views and proposals concerning the basic Roma community law: The Union of Roma of Slovenia, the Forum of Roma Councillors within the Union of Roma of Slovenia, 7 deputy groups in the Slovenian National Assembly, 24 municipalities with historically settled Roma population, the Association of Slovenian Municipalities, 10 ministries, one government office, the Public Fund of the Republic of Slovenia for Regional Development and Preservation of the Settlement of Slovene Rural Areas, Housing Fund of the Republic of Slovenia and a part of the professional

public (7 entities) – a total of 53 entities. By the end of June 2005, 46 responses or opinions were obtained.

At its first session on 1 June 2005, the Government Commission for the Protection of the Roma Ethnic Community looked into the activities relating to the drafting of the basic Roma law within the second item of the agenda.

4. IMPLEMENTATION OF ARTICLE 6 OF THE FCPNM (Ad 102, 103, 109, 112)

Ad 102

The Republic of Slovenia strives to reduce and ultimately eliminate intolerance. A code of ethic conduct of deputies is currently in the process of adoption, and the state is also applying other appropriate available mechanisms to create a positive climate for minority communities.

Ad 103

The public interest in the sphere of the media and audio-visual culture includes the dissemination of programming important for the exercise of the rights of providing and receiving public information of citizens of the Republic of Slovenia, Slovenians living abroad, members of Slovenian national minorities in Italy, Austria and Hungary, members of the Italian and Hungarian national communities in the Republic of Slovenia and the Roma community residing in Slovenia.

Pursuant to Slovenian legislation⁶, the dissemination of programming that encourages national, racial, religious, sexual or any other inequality, or violence and war, or incites national, racial, religious, sexual or any other hatred and intolerance is prohibited.

Ad 109

With reference to the printed media, it can be added that the printed media (newspapers, publications, books in various languages) that were financed by the Ministry of Culture and stored in the INDOK system, were processed in June 2005 and are now available in COBISS (Co-operative Online Bibliographic System and Services).

Ad 112

There is a special section at the Ministry of Culture that is responsible for the protection of cultural rights of minorities and the development of cultural diversity. The section pursues the following activities: creating adequate normative bases and objectives in cooperation with minorities; counselling and providing expert or administrative assistance to users, in particular minority artists; mediating, if necessary; following media reporting on minorities; and cooperating with researchers of minority issues, particularly with the Institute for Ethnic Studies. The section is open to the involvement of members of minority communities in making decisions

⁶ Mass Media Act (Ur. l. RS, No. 35/2001), Article 8.

that affect them, listens to their cultural needs and problems, and tries to satisfy the expressed needs and resolve problems in compliance with its powers. The section is also engaged in procedures of funding minority cultural programmes and projects.

The Ministry of Culture creates conditions for cultural diversity, which is a treasure of the cultural life and the life of the society as a whole, and takes positive measures applying to members of various ethnic or identity groups, including immigrant Roma. The Ministry is also in contact with members of various ethnic or identity groups. On 6 June 2005, for instance, the Minister of Culture had a meeting with the Coordination, which is composed of unions of associations of people from former Yugoslav republics.

The Elementary School Act (Ur. l. RS, No. 12/1996...71/2004) provides for the possibility of organising, in accordance with international treaties, classes of their mother tongue and culture for those children of Slovenian citizens that reside in Slovenia but do not have Slovenian as their mother tongue. Additional classes of the Slovenian language can also be organised for these children.

Newspapers, magazines and books are available to members of other ethnic groups and immigrants from the former Yugoslavia. They can also receive television programmes in Croatian, Serbian, Bosnian, Macedonian and Albanian through electronic systems in many parts of Slovenia.

Let's reiterate that funds earmarked for minority cultural projects have been considerably increased in the revised 2005 national budget.

5. IMPLEMENTATION OF ARTICLE 9 OF THE FCPNM (Ad 119, 124, 127)

Ad 119

On 3 March 2003, the Secretary General of the Government issued instruction no. 023-12/2001 concerning the engagement of the national communities in the decision-making procedures affecting their members, which appeals to all state bodies (government, ministries and others) to consistently observe the relevant procedural and statutory provisions (see also the commentary under No. 80).

At its third regular session on 24 May 2005, the National Assembly's Commission for National Communities perused the draft law of the Radio Television of Slovenia. The session was also attended by a representative of proposers, Minister of Culture Dr Vasko Simoniti, who emphasised that the proposers held a meeting with representatives of the Italian and Hungarian national communities and tried to bring the text of the draft law in line with comments made by the above representatives. He also underlined that the draft law in no way reduces the rights of the two national communities. The National Assembly has adopted the law.

Ad 124

Increasing attention is paid to providing Roma with information about Roma. Members of the Roma community are thus provided with information in the Romany

language. Furthermore, information published in newspapers and various radio and television broadcasts contribute to the awareness raising and education of members of the Roma community while also informing the majority population about the situation and difficulties of Roma and their special and unique features.

Two radio stations, the Murski val Murska Sobota and the Studio D from Novo mesto, have broadcast a one-hour programme for Roma every week for nine consecutive years. The programme is in the Slovenian and Romany languages, and provides information about the work and life of Roma, reports on their cultural, sports and other events, and features Romany music and original contributions by various Roma authors. The programme has been well received by Roma as well as other audience. Radio and TV programmes are financed by the Office for Nationalities from the budget of the Republic of Slovenia.

In 2002, the IDEA TV studio began to produce TV programmes on the work, life and problems of the Roma community in Slovenia. The studio produces one episode a month, which is broadcast by cable operators in the areas populated by a larger number of Roma (Prekmurje, Dolenjska and Maribor). These programmes are also broadcast in the Ljubljana region by the TV Pika studio.

An important novelty in this sphere is provided by the draft law on the Radio and Television of Slovenia.⁷ Article 4 foresees the provision of credible and unbiased informative programmes that will also ensure objective appreciation of presented topics by members of the Roma community in Slovenia.

Ad 127

The Public Use of the Slovene Language Act⁸ stipulates the use of the Slovenian language on the basis of Article 11 of the Constitution, stating that Slovenian is the official language in the Republic of Slovenia. Italian and Hungarian are official languages only in those areas populated by the Italian and Hungarian national communities. This compels state bodies, local community bodies, bearers of public authority and others performing public services to operate in Slovenian on the territory of the whole country, and also in the respective languages of the two officially recognised minorities in the areas populated by them.

The distinction must be made between the duty of these bodies to operate in the prescribed official language and the right of any person to use their language and script in communication with state bodies and bearers of public authority (Article 62

⁷ Draft law on the Radio and Television of Slovenia, Poročevalec No. 26, 20 April 2005, p. 17:

Article 4

"(1) In the programmes under paragraph 1 of the preceding Article, the RTV Slovenia in particular:

- provides credible and unbiased informative programme with comprehensive information about political happening in Slovenia and abroad, about important events in other European countries, particularly EU member states, and about important world topics in such a way as to ensure objective appreciation of these topics by citizens of the Republic of Slovenia, Slovenians living abroad, members of the Slovenian national minorities in Italy, Austria and Hungary, members of the Italian and Hungarian national communities in the Republic of Slovenia and members of the Roma community in Slovenia;" ...

⁸ Ur. l. RS, No. 86/2004.

of the Constitution) and to express their national affiliation (Article 61 of the Constitution).

The Public Use of the Slovene Language Act only prescribes the public use of the Slovenian language (and indirectly of the Italian and Hungarian languages), while it does not prohibit the use of other languages. The use of other languages is permitted in the media, provided that they are appropriately registered (Mass Media Act).

6. IMPLEMENTATION OF ARTICLE 10 OF THE FCPNM (Ad 135, 136, 137)

Ad 135

The implementation of the constitutional rights of the Italian and Hungarian national communities in the field of language is in compliance with Article 11 of the Constitution stipulating that in those municipalities where Italian or Hungarian national communities reside, Italian or Hungarian shall also be the official languages. Two official languages are thus used only in certain limited ethnically mixed areas populated by the autochthonous Italian or Hungarian national community. In these areas, state bodies, local community bodies and bearers of public authority, i.e. all those carrying out a public service, are obliged to use the languages of these communities for official procedures.

The Republic of Slovenia devoted particular attention to the use of the Italian or Hungarian language in the Public Use of the Slovene Language Act (Ur. l. RS, No. 86/2004). In compliance with Article 1, paragraph 1 of the Act, the Slovenian language is the official language in the Republic of Slovenia. The Slovenian language is the language of oral and written communication in all spheres of public life in the Republic of Slovenia, except when Italian and Hungarian are the official languages in addition to Slovenian in accordance with the Slovenian Constitution. Article 3 of the Act stipulates that in the territories populated by the Italian or Hungarian national community, the public use of Italian or Hungarian as official languages is guaranteed in the manner provided for by the Public Use of the Slovene Language Act and in accordance with the provisions of individual sector-specific acts.

Article 13 of the European Charter for Regional or Minority Languages ratified by the Republic of Slovenia on 19 July 2000 stipulates that the parties commit themselves to eliminate from their legislation any provision unjustifiably prohibiting or limiting the use of regional or minority languages.

Within the framework of the "Analysis on the status and exercising of special rights of the Italian and Hungarian national communities in the Republic of Slovenia with regard to the implementation of statutory, executive and other acts and the definition of possible measures for their maintenance, support and further development"⁹ adopted at the Government session of 29 July 2004, the Slovenian Government

⁹ Measures relating to both national communities:

Measure No. 2:

"The consistent implementation of bilingualism in all areas in compliance with the Constitution of the Republic of Slovenia and positive legislation."

particularly called on all competent authorities to consistently implement bilingualism in all areas in compliance with the Slovenian Constitution and positive legislation.

The Italian minority has on several occasions opposed to Article 4 of the Administration Act. The amendment to this article, which has been harmonised with the two minorities, is now in a National Assembly procedure.

In March 2005, the Decree on Administrative Operation (Ur. l. RS, No. 20/05) replacing the Decree on Public Administration Bodies Management of Documents (Ur. l. RS, No. 91/01) took effect. With the new Decree, the Republic of Slovenia somehow enlarged the area of use of the Italian and Hungarian languages outside the ethnically mixed territory, thus promoting the use of the languages of the Italian and Hungarian national communities. Thus, the Decree stipulates that all key events registered on the national portal of e-Government must also be available in the Italian and Hungarian languages, the same applies to the basic information found on the portal. Furthermore, the on-line application forms and information on administrative services of a body on the web must also be available in the Italian and Hungarian languages.

Ad 136

In compliance with the Slovenian Constitution (Article 11), the Italian and Hungarian languages are used only in certain limited ethnically mixed areas populated by the autochthonous Italian or Hungarian national community. In these areas, state bodies, local community bodies and bearers of public authority, i.e. all those carrying out a public service, are obliged to conduct official procedures in the languages of these communities.

Outside the ethnically mixed area, the authorities conduct their procedures in Slovenian, whereas members of the Italian and Hungarian national communities may use their languages and script (Articles 61 and 62 of the Slovenian Constitution). This is the right that is granted to everyone, and not the obligation of a body to conduct procedures in the language of the person concerned. An individual may exercise his rights only in a manner provided for by law, i.e. by interpreting.

Ad 137

The reason for the inability of Roma to use their own language in communication with the administrative authorities lies in the fact that the Romany language has not been encoded in Slovenia yet and that we may only talk about Romany dialects. Projects for encoding the Romany language are underway. The Faculty of Education of the University of Ljubljana responded to the tender of the research and development projects of the Target research programme "Slovenia's Competitiveness 2001 - 2006" in 2003 with the following topic: Inclusion of Roma in the education system from the aspect of maintaining the identity of their community with the pilot title "Standardization of the Romany language in Slovenia and the inclusion of Roma culture in education."

7. IMPLEMENTATION OF ARTICLE 12 OF THE FCPNM (Ad 141, 143, 156, 157, 158, 159)

Ad 141

In compliance with bilateral agreements, visiting teachers come to Slovenia (teaching subjects such as history, geography, art etc.); there are exchanges of students, camps are organised and certain books, reference books and teaching aids from home countries are being used.

The preparation and printing of textbooks and workbooks proceed according to the programme drawn up by the Task Force for the Education of Ethnicities at the National Education Institute of the Republic of Slovenia in cooperation with the Ministry of Education, and Sport. The starting points for drafting the programme are as follows: Adjusted curriculum of the nine-year elementary school programme, catalogues of certified textbooks for the nine-year elementary school and the needs identified at the study groups meetings or in the field. The programme also comprises reprints of textbooks that have to be republished to satisfy the demand for text- and workbooks as well as translations, new publications and reviews of imported textbooks intended for the national communities. The programme is initially dealt with by the Task Force for the Education of Ethnicities and subsequently by the Extended Task Force for the Education of Ethnicities within the National Education Institute. Representatives of both national communities are also members of the above task forces.

In providing teaching material, the Ministry encounters certain specific problems and limitations. The first is a limited number of qualified associates who can provide translations of Slovenian textbooks, reviews for imported textbooks and author material for new text- and workbooks. The same persons participate in several activities for ensuring equal rights in education to members of both national communities.

Due to small print runs, the translations are extremely expensive. In view of limited funds available, textbooks are mainly included in the programme, while workbooks are limited to those subjects, in which this is absolutely necessary due to external knowledge assessment (e.g. mother tongue and mathematics).

The Ministry solves the above problems in cooperation with the National Education Institute and bilingual schools. Every year, meetings are held with principals of bilingual schools and schools with Italian as the language of instruction. At these meetings, activities are coordinated and agreed upon for providing the necessary textbooks for the education of national communities.

Ad 143

On 21 January 2005, the Recognition and Evaluation of Education Act drafted in compliance with EU guidelines took effect¹⁰. The Act regulates the procedure and

¹⁰ Ur. l. RS, No. 73/2004.

criteria as well as defining authorities for the recognition and evaluation of foreign and the evaluation of Slovenian education, the use of foreign vocational and technical education titles as well as the use of foreign professional or academic titles.

Ad 156

During the past few years, elementary school classes attended exclusively by Roma children have become an exception. Most elementary schools adopted a guideline on the integration of Roma pupils in regular classes. Such integration of Roma pupils in schools in combination with occasional work in smaller groups in recent years have produced positive results; the number of Roma pupils finishing lower classes is increasing, as is the number of those continuing their education after completing elementary school. As a consequence, the Ministry of Education and Sport decided to amend the norms and standards introducing the integration of Roma children in regular classes in all schools. Thus, in compliance with the Rules amending the Rules on norms, standards and elements for the systemisation of posts serving as a basis for organising and financing the 9-year elementary school programme from the state budget (Ur. l. RS No. 82/03) in the 2003/2004 school year, classes attended by 3 or more Roma children usually consist of 21 pupils. The new Rules no longer provide for the formation of classes attended exclusively by Roma children.

Ad 157

In December 2002, the Ministry set up a special working group tasked with drawing up a strategy for integrating Roma in education and training. The working group consisted of experts in the areas of pre-school to adult education and representatives of the Ministry of Education and Sport, the Union of Roma of Slovenia and the National Education Institute. The document was drafted in cooperation with the Roma community. The Strategy for Education of Roma in the Republic of Slovenia was finalised and adopted at the meetings of the Council of experts of the Republic of Slovenia for General education (20 May 2004), Council of experts of the Republic of Slovenia for Adult education (2 June 2004), and the Council of experts of the Republic of Slovenia for Vocational and Technical Education (16 June 2004).

The following are the most important solutions provided for by the Strategy:

- Roma assistant: The lack of knowledge of the Slovenian language and unsuccessful integration of children may be overcome or alleviated by a Roma assistant who will help children overcome the emotional and linguistic barriers and represent a bridge between pre-school institutions and schools on the one hand and the Roma community on the other;
- Permanent in-service training and additional education programmes for professionals;
- Confidence-building in school and removing prejudices (a special school scheme defining the activities of communicating and cooperating with parents of Roma children and a scheme for identifying and continued removing of stereotypes and prejudices that occur among the majority population in relation to Roma pupils);
- Adult education: The starting point for identifying the objectives of educating adult Roma are the basic goals set out in the *National Programme of Adult Education in the Republic of Slovenia until 2010* (to improve the general

education level of the adult population, whereby four years of secondary schooling is the basic educational standard, to increase the employability of the adult population and their participation in lifelong learning). Particular attention will be devoted to the education of adult Roma with a view to improving their educational level and developing their employability, to the establishment of consultancy centres or networks in areas populated by Roma, as well as the appointment of a Roma coordinator, special norms and standards for programmes involving adult Roma and the provision of adequate participation in programmes and learning assistance free of charge.

The Union of Roma of Slovenia was involved in the formulation of this strategic document and will participate in teaching and learning of the Romany language, history and culture, in preparing the materials as well as in all other forms and methods of education.

In September 2004, the Roma education and information centre (REIC) was established in the Prekmurje region (Borejci). Its basic objective is to improve the education level of Roma, which is the key factor in improving their employability. As many as 25 Roma assistants who are to provide assistance to Roma children and their parents have already finished the first level of education.

Ad 158

The model of the Bršljin elementary school: In the past, the Bršljin elementary school attempted to improve the efficiency of integration of Roma pupils by establishing special classes and later by means of various other methods of work based particularly on lowering the minimum standards of achievement and were not adapted sufficiently for work with Roma pupils. Thus, Roma pupils were leaving elementary school with only a few classes completed. Even those who successfully finished elementary school could not continue their education, as they did not meet the minimum standards of achievement.

The objective of the executive model introduced in the Bršljin elementary school in the 2004/2005 school year is a successful integration of all pupils in the education system. To facilitate the implementation of the model, the Ministry and the local community provided the school with additional professional staff, a Roma assistant and additional material resources. The proposed model thus requires the fulfilment of conditions for successful appropriation of standards of knowledge by all pupils (sufficient command of the Slovenian language to keep up in lessons, specific methods of work, etc.).

The proposed model shall be carried out at school as an experiment, which means that the National Education Institute will for three years follow and evaluate the implementation of the organisational and didactic model.

Specific features of the proposed model:

At the beginning of each year, the pupils' level of knowledge is assessed and they are also provided with the opportunity of learning in special groups by attending supplementary classes in the Slovenian language or supplementary classes in subjects

where their knowledge is the weakest. When a pupil achieves the minimum standards of knowledge, he/she is reintegrated in the class teaching the subject where he/she encountered problems (and was therefore for some time integrated into a special group...).

The proposed model:

- Is temporary;
- Will be followed and evaluated on a regular basis. A project group was established, including representatives of parents of Roma and non-Roma children, teachers, school management and representatives of the local community;
- The group is based on maintaining the classes and forming teaching groups as well as guaranteeing flexible organisation of classes.

The proposed model takes into account the experience of a successful integration of Roma pupils in the Prekmurje region. Similar forms of curriculum implementation have already been tested in the Prekmurje region, and the Government has recommended them as adequate in the Programme of Measures for Assisting Roma in the Republic of Slovenia, adopted in 1995.

It should be underlined that until 2003, Roma pupils in the Dolenjska region mostly attended the so-called special classes. Only in the 2003/2004 school year was this form of integration of Roma pupils banned. Therefore, Roma parents were justified in their concerns that the new organisational form implied a reintroduction of special classes for their children. In April 2005, the minister personally presented to them the above model and Roma parents agreed with it.

Ad 159

An unsolved problem remains the education of children of those Roma that have not regulated their legal status and their number is unknown. It is likely that at least some of these children do not attend elementary schools, since their parents are afraid that this would reveal their unregulated status and they and their families would be deported from the country. However, there are cases where elementary schools make it possible for these children to enrol and attend regular school programmes.

8. IMPLEMENTATION OF ARTICLE 14 OF THE FCPNM (Ad 164)

Ad 164

Since 2004, the Ministry has been co-financing a development and research project entitled "Standardization of the Romany language in Slovenia and including the Romany culture in education" that is being carried out by the Faculty of Education of Ljubljana (duration: 2003-2006).

Mention should also be made of attempts to write a grammar book and codify the vocabulary of the Romany language. Mr Rajko Šajnovič in the Dolenjska region and Mr Jožko Horvat - Muc in the Prekmurje region, where the density of historically settled Roma population is the highest, also deserve special mention. The two authors

prepared the draft vocabulary of the Romany language, as the latter is currently still quite unstructured.

The Strategy for Education of Roma in the Republic of Slovenia also provides for measures to improve the field of the Romany language.

9. IMPLEMENTATION OF ARTICLE 15 OF THE FCPNM (Ad 168, 177, 178, 179)

Ad 168

The Secretariat General of the Government of the Republic of Slovenia issued, on 3 March 2003, instruction No. 023-12/2001 concerning the engagement of the national communities in the decision-making procedures relating to the position of their members, which appeals to all state bodies (government, ministries, etc.) to consistently observe the relevant procedural and statutory provisions (see also the comment under Ad 80).

The Slovenian Government adopted at its 86th regular session on 29 July 2004 the Analysis on the status and exercising of special rights of the Italian and Hungarian national communities in the Republic of Slovenia with regard to the implementation of statutory, executive and other acts and the definition of possible measures for their protection, support and further development. With the measure relating to both national communities, the Slovenian Government committed itself to consistent implementation of Article 15, paragraph 2 of the Self-Governing Ethnic Communities Act (Ur. l. RS, No. 65/1994) and of detailed instruction by the Secretary General of the Government of the Republic of Slovenia (No. 023-12/2001 of 3 March 2003) regarding the drafting of statutory, executive and other acts.

Ad 177

Regrettably, it is true that the Municipality of Grosuplje, despite several reminders on the part of the Government Office for Nationalities, has still neither fulfilled the statutory provision regarding a Roma councillor in the Municipal Council (nor duly adjusted the statute) as stipulated by the Local Government Act (Ur. l. RS, No. 51/02). The Municipality of Grosuplje was instructed to fulfil the provision also by decision of the Slovenian Constitutional Court No. U-I-345/02/9 of 14 November 2002, as the Court reviewed the constitutionality and legality of the statutes of six municipalities that have not yet amended their statutes in compliance with the Local Government Act. The decision stipulated that the municipalities remove this illegality in municipal statutes within 45 days as of the constitutive meetings of municipal councils, and to call an election for representatives of Roma community according to the provisions applicable to early elections within 30 days as of the publication of the amended statutes. The municipalities of Krško, Beltinci, Semič, Trebnje and Šentjernej removed the non-conformity on the basis of the above decision; however, the Municipality of Grosuplje has not done so, and thus disregards the above Act as well as the decision issued by the Slovenian Constitutional Court.

In the future, the Municipality of Grosuplje is expected to respect the Local Government Act provisions and the Constitutional Court decision regarding the

election of a Roma councillor to the Municipal Council, as the Act amending the Local Government Act (Ur. l. RS, No. 72/05) provides for sanctions in cases of non-compliance.

Article 29 of the Act amending the Local Government Act (adding Articles 90 b, c and č) stipulates as follows:

- A municipal council may be dissolved early if it disregards the decisions of the Constitutional Court stipulating procedures in compliance with the Constitution and law;
- A mayor may be removed from his/her office early if he/she does not fulfil the decisions of the Constitutional Court or the final decisions of the court competent for administrative disputes, stipulating that he/she fulfils his/her tasks in compliance with the Constitution and legislation.

The National Assembly, on the proposal of the Government, shall decide on the dissolution of a municipal council or the removal of a mayor from his/her office.

Ad 178

In the reminder or instruction No. 023-12/2001 of 3 March 2003 concerning the engagement of the national communities and the Roma ethnic community in the decision-making procedures relating to their members, the Secretary General of the Government of the Republic of Slovenia called on all state bodies (government, ministries, etc.) to consistently observe the relevant procedural and statutory provisions. Among other matters, he stated the following:

- When deciding within the executive (Government, ministries and other state bodies) with executive regulations and other legal acts, state bodies are obliged, in accordance with Article 15, paragraph 2 of the Self-Governing Ethnic Communities Act, to acquire a preliminary opinion of the governing bodies of national communities, as follows: a) in matters concerning the Italian national community, the opinion is to be provided by its highest body: the Littoral Italian Self-governing National Community, Koper, Župančičeva 39; b) in matters concerning the Hungarian national community, the opinion is to be provided by: the Hungarian Self-governing National Community of Pomurje, Lendava, Glavna ulica 124; c) in matters concerning the Roma community in the Republic of Slovenia, the statutory provisions and executive regulations under (a) and (b) apply *mutatis mutandis* to the Roma community. The opinion of the Roma community is provided by its highest body, i.e. the Union of the Roma of Slovenia, with its seat at Arhitekta Novaka 13, Murska Sobota."

Ad 179

See comments under Ad 41.

10. IMPLEMENTATION OF ARTICLE 18 OF THE FCPNM
(Ad 182)

Ad 182

The Republic of Slovenia is striving to establish active cooperation with the neighbouring countries regarding the positive protection of minorities and the improvement of their situation. An exchange of views and good practices between countries or their bodies may certainly contribute to improving the measures and programmes relating to the situation of minorities. Mention should also be made of the so-called cross-border cooperation between separate regions of Slovenia on the one hand and Italy, Austria and Hungary on the other hand.

II. COMMENTS AND OPINION ON THE FINAL STATEMENTS AND RECOMMENDATIONS OF THE COUNCIL OF EUROPE'S ADVISORY COMMITTEE

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As regards the final recommendations of the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities, Slovenia should strive for the following:

- ~ Establishing dialogue with representatives of different ethnic communities and civil society on the possibilities of inclusion in the FCPNM;
- ~ Regulating the legal status of the members of nations of the former Yugoslavia living in the Republic of Slovenia as well as providing assistance in the regulation of their social and economic situation;
- ~ Preventing the discrimination and social exclusion of Roma as well as improving their situation in the field of employment, living conditions and education;
- ~ Preventing the segregation of Roma children;
- ~ Enhancing the support for cultural projects and other activities for the affirmation of cultural, linguistic and religious identity of members of the Italian and Hungarian national communities as well as the Roma ethnic community;
- ~ Preventing intolerance and xenophobia, including the political scene, providing support for the media in the prevention of intolerance and xenophobia;
- ~ Including minority representatives in seeking the ways for their participation in decision-making procedure regarding issues that concern them, at both the local and central levels.

In compliance with the Constitution, applicable legislation and ratified international instruments as well as with the principle of mutual or reciprocal understanding and respect between the majority population and members of national communities, the Republic of Slovenia permanently and actively strives for their comprehensive integration into the Slovenian society, while at the same time promoting their own identity.

The Slovenian Government adopted, at its 86th regular session on 29 July 2004, the Analysis on the status and exercising of special rights of the Italian and Hungarian national communities in the Republic of Slovenia with regard to the implementation of statutory, executive and other acts and the definition of possible measures for their protection, support and further development.

In compliance with the endeavours for efficient regulation of Roma issues, the Government Office for Nationalities in 2004 in cooperation with other ministerial bodies dealing with Roma issues within their field of work, and in cooperation with local government bodies, Roma, non-governmental organisations and others, drafted an extensive "Report on the Status of Roma in the Republic of Slovenia (with annexes: Review of co-financing the Roma ethnic community in the Republic of Slovenia in the period 2002 - 2005 and Review of the status of Roma settlements in the Republic of Slovenia)."

The Government of the Republic of Slovenia discussed the report at its 93rd regular session on 7 October 2004 and adopted relevant decisions (10 extensive decisions) for improving the situation of the Roma community in Slovenia.

Mention should also be made of decision No. 018-11/2004-1 adopted by the Government of the Republic of Slovenia at its 5th regular session on 6 January 2005: "The Government of the Republic of Slovenia tasked the Office for Nationalities with drafting a special law on the Roma community".

As regards other ethnic communities and immigrants (mainly members of nations of the former Yugoslavia), the Republic of Slovenia will strive for the following:

1. Enhancing the funds currently earmarked for cultural programmes of immigrants and their descendants (minority ethnic communities) by the Ministry of Culture and the Republic of Slovenia Public Fund for Cultural Activities, as this would enlarge the possibilities for their cultural activity and their integration into the Slovenian cultural area on an equal footing.
2. Providing greater support for societies linking members of minority ethnic communities, thus helping them in providing the basic conditions for their functioning.
3. Those societies fulfilling the conditions must immediately be granted the status of societies in the public interest by the competent national authorities, which also entails larger material assistance.
4. Providing larger or additional funds to municipalities with concentrated settlement of members of the nations of the former Yugoslavia. These funds will enable the municipalities to support more efficiently their different societies at the local level.
5. Examining the possibilities for the introduction of supplementary classes in the mother tongue in those primary schools and for those Slovenian citizens whose mother tongue is not Slovenian and in cases of evident interest, agreement of both parents must be provided and all other conditions must also be fulfilled.
6. Examining the possibility of learning the language from the preceding item within the scope of selected subjects for education at the higher level.
7. Enhancing the dialogue with representatives of different minority groups to help them deal with topical issues in the field of culture. Such dialogue will also promote their quality integration into society.

Since 1992, the Slovenian Ministry of Culture has introduced positive measures aimed at a quality integration and maintenance of cultural and ethnic specific features

of other ethnic communities as well as immigrants with a regulated status, who live in the national territory of the Republic of Slovenia.

All these ethnic groups and immigrants meeting the criteria of public tender or call for applications are offered many forms of assistance and a number of measures in the field of culture and education.

Here belong both members of nations of the former Yugoslavia, Roma that moved to Slovenia from the territory of the former Yugoslavia in the past decades and immigrants from other countries.

A number of meetings with them had been organised lately, which provides the basis for assessing the existing measures and for their upgrading. There are aspirations for these immigrants to integrate as much as possible at the local level. With the revised budget for 2005, the amount of funds earmarked for these purposes increased by 100% (support for their cultural projects), which contributes to the development of their cultural and ethnic identity.

In its public presentations, the Ministry of Culture reiterates its support for cultural diversity as an element enriching the cultural life in Slovenia.