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

**OPINION ON SLOVENIA**  
(adopted on 12 September 2002)

## EXECUTIVE SUMMARY

Following the receipt of the initial State Report of Slovenia on 29 November 2000 (due on 1 July 1999), the Advisory Committee commenced the examination of the State Report at its 10th meeting on 2 to 6 April 2001. In the context of this examination, a delegation of the Advisory Committee visited Slovenia, on 11 - 14 January 2002, in order to seek further information on the implementation of the Framework Convention from representatives of the Government as well as from NGOs and other independent sources. The Advisory Committee adopted its opinion on Slovenia at its 15th meeting on 12 September 2002.

As concerns the implementation of the Framework Convention, the Advisory Committee considers that Slovenia has made particularly commendable efforts in respect of the Hungarian minority, notably as regards its status in such fields as education and participation in public affairs. Similarly, particularly commendable efforts have been made in respect of the Italian minority, *inter alia*, in the fields of media and participation in public affairs.

At the same time, efforts will have to be made to ensure the full realisation in practice of the Framework Convention. There is scope for improvement in the media sector concerning the Hungarian minority for which public radio and TV broadcasts should be significantly extended. In the field of education, efforts by the Italian minority to recruit and train qualified staff should be further supported. As regards the use of Hungarian and Italian in relations with administrative authorities, there remain shortcomings in the practical implementation of existing legal provisions.

Problems remain in respect of the implementation of the Framework Convention as concerns all the different groups of Roma, especially as regards housing, employment, the existence of important socio-economic differences as well as acts of discrimination. Further measures to promote equal opportunities in the access of Roma to education should be taken given their unsatisfactory status in this field.

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## PREPARATION OF THE CURRENT OPINION

1. The initial State Report of Slovenia (hereinafter: the State Report), due on 1 July 1999, was received on 29 November 2000. The Advisory Committee commenced the examination of the State Report at its 10th meeting on 2-6 April 2001.
2. In the context of this examination, the Advisory Committee identified a number of points on which it wished to obtain fuller information. A questionnaire was therefore sent to the Slovene authorities on 31 July 2001. The Slovene Government replied to the questionnaire on 23 November 2001.
3. Further to an invitation from the Slovene Government, and in accordance with Rule 32 of Committee of Ministers' Resolution (97) 10, a delegation of the Advisory Committee visited Slovenia from 11 to 14 January 2002 in order to obtain supplementary information from representatives of the Government, NGOs and other independent sources on the implementation of the Framework Convention. In preparing this opinion, the Advisory Committee also consulted a range of written materials from various Council of Europe bodies, other international organisations, NGOs and other independent sources.
4. The Advisory Committee subsequently adopted this opinion at its 15th meeting on 12 September 2002 and decided to transmit it to the Committee of Ministers<sup>1</sup>.
5. The present opinion is submitted pursuant to Article 26 (1) of the Framework Convention, whereby, in evaluating the adequacy of the measures taken by the Parties to give effect to the principles of the Framework Convention, "the Committee of Ministers shall be assisted by an advisory committee", as well as pursuant to Rule 23 of Resolution (97) 10 of the Committee of Ministers, whereby the "Advisory Committee shall consider the state reports and shall transmit its opinion to the Committee of Ministers".

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<sup>1</sup> The Advisory Committee decided, at its 12th meeting on 30 November 2001, to introduce certain changes to the structure of its opinions. It decided to discontinue the practice of submitting a "Proposal for conclusions and recommendations by the Committee of Ministers" (Section V of the earlier opinions) and to introduce a new Section IV, entitled "Main findings and comments of the Advisory Committee". The Advisory Committee also decided to submit its "Concluding remarks" in Section V instead of Section IV. These changes are effective as from 30 November 2001 and they apply to all subsequent opinions adopted in the first monitoring cycle. These changes have been made in the light of the first country-specific decisions on the implementation of the Framework Convention adopted by the Committee of Ministers in October 2001.

## II. GENERAL REMARKS

6. While regretting the delay of over sixteen months with which the State Report was submitted, the Advisory Committee notes that it contains relatively detailed information about existing legislation but few indications as to relevant practice. The Advisory Committee welcomes the fact that the Slovene authorities consulted representatives of the Hungarian, Italian and Roma minorities during the preparation of the State Report.

7. The Advisory Committee notes that supplementary information and useful clarifications were contained in the written reply to its questionnaire from the Slovene authorities and supplied at the meetings organised during the above-mentioned visit both in Ljubljana and in the areas inhabited by persons belonging to the Hungarian, Italian and Roma minorities. The Advisory Committee finds that the visit organised on the invitation of the Slovene Government provided an excellent opportunity to have a direct dialogue with various sources.

8. The Advisory Committee notes the spirit of co-operation shown by Slovenia throughout the process, which led to the adoption of the current opinion. The Advisory Committee encourages the Slovene authorities to continue their efforts to improve awareness of the Framework Convention, its explanatory report and the rules concerning its monitoring at the international level, including through the publication and dissemination of the State Report and other relevant documents.

9. The authorities seem to possess only very limited data, largely taken from the 1991 census, about persons belonging to the Roma minority and to ethnic communities other than the Hungarian and Italian minorities. Since then there have been significant changes both in the numbers of persons belonging to these groups and in their integration into Slovene society, especially through acquisition of citizenship. The Advisory Committee notes that the State Report reveals differences, sometimes considerable, between the official statistics taken from the 1991 census and the relevant estimations by the Roma and other ethnic communities in Slovenia. The Advisory Committee is concerned that such large discrepancies may seriously hamper the State's ability to target, implement and monitor measures to ensure the full and effective equality of persons belonging to minorities.

10. The Advisory Committee notes that the results of the 2002 census should provide updated data, especially on membership of minorities, which will be very useful to the authorities. In addition to data from the 2002 census, the Advisory Committee is of the opinion that, on condition that the principles identified in Committee of Ministers' Recommendation (97) 18 concerning the protection of personal data collected and processed for statistical purposes are respected, the Government should try to identify further ways and means of obtaining reliable statistical data on the Roma and the ethnic communities living in Slovenia. In so doing, the authorities should respect the individual right not to be treated as a person belonging to a national minority, as provided for by Article 3 of the Framework Convention. Without these data it may be very difficult for the Slovene authorities to operate effectively and for the international monitoring bodies to ascertain whether Slovenia meets its obligations under the Framework Convention.

11. In the following part of the opinion, it is stated in respect of a number of articles that, based on the information currently at its disposal, the Advisory Committee considers that implementation of the article at issue does not give rise to any specific observations. The Advisory Committee wishes to make clear that this statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Indeed, the Advisory Committee considers that the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may, in the light of the recent entry into force of the Framework Convention, be considered acceptable at this stage but that need not necessarily be so in further cycles of monitoring. Finally, it may be the case that issues that appear at this stage to be of relatively minor concern prove over time to have been underestimated.

### III. SPECIFIC COMMENTS IN RESPECT OF ARTICLES 1-19

#### Article 1

12. The Advisory Committee notes that Slovenia has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

#### Article 2

13. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

#### Article 3

14. The Advisory Committee notes that Slovenia made the following declaration when depositing its instrument of ratification of the Framework Convention: “Considering that the Framework Convention for the Protection of National Minorities does not contain a definition of the notion of national minorities and it is therefore up to the individual Contracting Party to determine the groups which it shall consider as national minorities, the Government of the Republic of Slovenia, in accordance with the Constitution and internal legislation of the Republic of Slovenia, declares that these are the autochthonous Italian and Hungarian National Minorities. In accordance with the Constitution and internal legislation of the Republic of Slovenia, the provisions of the Framework Convention shall apply also to the members of the Roma community, who live in the Republic of Slovenia”.

15. The Advisory Committee underlines that in the absence of a definition in the Framework Convention itself, the Parties must examine the personal scope to be given to the Framework Convention within their country. The position of the Slovene Government is therefore deemed to be the outcome of this examination.

16. Whereas the Advisory Committee notes on the one hand that Parties have a margin of appreciation in this respect in order to take the specific circumstances prevailing in their country into account, it notes on the other hand that this must be exercised in accordance with general principles of international law and the fundamental principles set out in Article 3. In particular, it stresses that the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions.

17. For this reason the Advisory Committee considers that it is part of its duty to examine the personal scope given to the Framework Convention in order to verify that no arbitrary or unjustified distinctions have been made. Furthermore, it considers that it must verify the proper application of the fundamental principles set out in Article 3.

18. In their reply to the questionnaire, the Slovene authorities explain that “ethnically mixed areas” are areas of autochthonous settlement by Hungarian and Italian national minorities, these areas being defined in the statutes of the municipalities concerned. The purpose of this regulation, based on the principle of territoriality, is to ensure special

protection for Hungarian and Italian minorities in “ethnically mixed areas”, irrespective of the number of persons belonging to these minorities. In this context, Article 64 of the Constitution refers to “autochthonous Italian and Hungarian ethnic communities” and specifically mentions the geographical criterion with regard to compulsory bilingual (Hungarian/Slovenian) education.

19. The Slovene authorities also pointed out that although persons belonging to the Hungarian or Italian minorities who live outside “ethnically mixed areas” may not exercise the same rights as those established in the “ethnically mixed areas”, they can nevertheless rely on their status as persons belonging to a national minority. As such, they may enjoy certain rights, particularly with regard to financial support for cultural activities (see related comments under Article 5), to education (see related comments under Article 14) and to election to Parliament (see related comments under Article 15). The Advisory Committee welcomes that these persons keep their status and encourages the Slovene authorities to ensure this approach is fully implemented in practice as persons belonging to the Hungarian or Italian minorities living outside “ethnically mixed areas” have specific needs to be catered for.

20. The Advisory Committee notes that pursuant to their declaration, the Slovene authorities also undertake to apply the provisions of the Framework Convention to “members of the Roma community who live in the Republic of Slovenia”, even though the domestic legal status of this community is not the same as the one enjoyed by the Hungarian and Italian minorities. In this context, mention should be made of Article 65 of the Constitution which provides that “the status and special rights of the Roma community living in Slovenia shall be regulated by law”. Although neither the declaration nor the Slovene Constitution refers to the “autochthonous” character of the Roma community, it appears that the Government considers that only “autochthonous” Roma are in principle eligible to benefit from measures taken to protect the Roma community. However, the Advisory Committee’s attention was drawn to the lack of any legal definition of the “autochthonous” character of persons belonging to the Roma community and to the fact that this criterion is in practice extremely difficult to use (see related comments under Article 15). The Advisory Committee also observed that interpretation of this criterion varied considerably, depending on the ministries or departments concerned, especially regarding the required period of presence on Slovene territory and the question of citizenship. In view of the legal and practical uncertainties raised by use of the notion of “autochthonous” character and the risks of arbitrary exclusion inherent in it, the Advisory Committee is of the opinion that the Slovene authorities should review its relevance and the justification for retaining it. In this context it welcomes that the authorities seem to adopt a far more inclusive approach to support for Roma cultural activities whereby measures are not restricted to so-called “autochthonous” Roma and it urges widespread application of this approach.

21. The Advisory Committee finds that, according to the most recent available official figures<sup>2</sup>, the most numerically significant “nationalities” are made up of people from Serbia,

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<sup>2</sup> In the 1991 census, out of a total of 1,965,986 persons living in Slovenia, 3,064 persons declared that they were of Italian “nationality”, 8,503 of Hungarian “nationality”, 2,293 of Roma “nationality”, 54,212 of Croat “nationality”, 47,911 of Serb “nationality”, 26,842 of Muslim “nationality”, 4,396 of Montenegrin “nationality”, 4,432 of Macedonian “nationality”, 12,307 of Yugoslav “nationality”, 546 of German “nationality”, 199 of Austrian “nationality”; a number of persons declared other “nationalities”. A new census was conducted in spring 2002 but its results were not available before the adoption of the present opinion. The 2002 census forms

Croatia and Bosnia and Herzegovina. According to the Slovene authorities, most of these persons migrated from other Republics of former Yugoslavia between the mid-1960s and the early 1980s, although some traditional settlements of Serbs and Croats have existed in Slovenia for quite a long period of time.

22. The Advisory Committee notes that when Slovenia became independent in 1991, citizens of other Republics of former Yugoslavia who were resident in Slovenia found themselves overnight foreigners in the territory where they were living. Although no relevant official statistics exist, the authorities indicate that the great majority of them took advantage of the opportunity they were offered to acquire Slovene citizenship during the months following the declaration of independence. The fact remains, however, that many previously existing facilities, especially concerning education in languages other than Slovene, were abolished or significantly reduced after independence, with a considerable impact on the situation of non-Slovenes from former Yugoslavia, whether or not these persons acquired Slovene citizenship in the meantime. The Advisory Committee also notes that certain sources mention the removal of a significant number of persons from the register of permanent residents in Slovenia in 1991 due to their non-Slovene or mixed ethnic origin, a point of view contested by the authorities.

23. Although some statutory provisions, e.g. Article 61 of the Constitution, guarantee a degree of protection for persons belonging to “ethnic communities”, a term that also includes non-Slovenes from former Yugoslavia, these persons do not have equivalent status to that of the Hungarian, Italian and Roma minorities and the Government does not consider them to be covered by the Framework Convention. However, the Advisory Committee welcomes the fact that in practice some authorities seem to adopt a more inclusive approach in respect of steps taken in favour of non-Slovenes from former Yugoslavia, especially with regard to financial support for cultural activities and with regard to education (see related comments under Article 6). In this context, the Advisory Committee notes with satisfaction that, during its conversations with the Government on the implementation of the Framework Convention, the Government openly addressed the question of the status of persons belonging to minorities originating from former Yugoslavia and of their needs as regards protection. The Advisory Committee urges the Government to adopt an even more inclusive approach to the question in order to cater more effectively for the needs of these persons, especially Croats and Serbs.

24. As regards the German-speaking minority living in Slovenia, the Advisory Committee notes that the Government acknowledges its historical presence but does not consider it as a national minority protected by the Framework Convention. While welcoming the signature on 30 April 2001 of a bilateral agreement with Austria (in this context see related comments under Article 18), the Advisory Committee urges the Slovene Government to continue its dialogue with representatives of the German-speaking minority with a view to meeting the needs of this group more fully, especially in the fields of education and culture.

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contained a question pertaining to the national/ethnic affiliation and explicitly mentioned the categories “Slovenian”, “Italian”, “Hungarian”, as well as “other national/ethnic belonging”.

25. As concerns the situation of other groups as well as the one from the German-speaking minority and from the groups made up of non-Slovenes from former Yugoslavia, the Advisory Committee is of the opinion that it would be possible to consider the inclusion of persons belonging to them, including non-citizens where appropriate, in the application of the Framework Convention on an article-by-article basis, and takes the view that the Slovene authorities should consider this matter in consultation with those concerned.

#### **Article 4**

26. The Advisory Committee notes that Article 14 of the Constitution guarantees the principle of equality and that Article 141 of the criminal code lays down penalties for breach of the right to equality, especially when discrimination based on membership of an ethnic or national minority is involved. In spite of the existence of these two provisions and many others prohibiting acts of intolerance and discrimination in the criminal code, the Associations Act, the Media Act and the Aliens Act, the Advisory Committee is of the opinion that the legal framework relating to discrimination could be extended by means of specific provisions in civil and administrative legislation designed to prohibit discrimination in the field of public or private housing, employment and access to services<sup>3</sup>.

27. In view of the very small number of cases which give rise to legal proceedings on the basis of alleged discrimination, the Advisory Committee urges the authorities to make sure that sufficiently effective legal remedies exist, in particular to enable victims of acts of discrimination to obtain compensation for damage suffered. In this context, the Advisory Committee also welcomes the positive role played by the Ombudsman in the fight against discrimination, especially through action in favour of persons belonging to national minorities or other ethnic communities. To increase the effectiveness of his action against discrimination, the Advisory Committee considers that it is indispensable for the Ombudsman to be able to rely on co-operation from all authorities. It is also important that persons belonging to national minorities and other ethnic communities should be better informed about the Ombudsman's action, including, as appropriate, in minority languages.

28. The Advisory Committee notes that the authorities possess detailed statistical data about persons belonging to the Hungarian and Italian minorities, especially regarding their demographic and socio-economic situation. These data are broken down by age, geographical distribution and to some extent by gender. As the authorities point out, these data indicate that full equality between persons belonging to the Hungarian and Italian minorities on the one hand and persons belonging to the majority population on the other is to a large extent effective in economic, social, political and cultural life.

29. Despite the absence of adequate statistical data in this sphere (see General remarks) and notwithstanding the steps already taken by the Slovene authorities, the Advisory Committee finds that there are important socio-economic differences between many Roma and the rest of the population. The Advisory Committee welcomes the high level of integration of the Roma community living in the Prekmurje region and notes that the coexistence with other groups has been harmonious for a long time. It expresses the hope that other regions will draw inspiration from this achievement. It is to be noted, in this context, that the situation of the Roma in the Dolenjska region is much less favourable, as they still

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<sup>3</sup> See the first report on Slovenia of the European Commission against Racism and Intolerance (ECRI), March 1998, paragraph 10; see also the concluding observations relating to Slovenia adopted on 10 August 2000 by the United Nations Committee on the Elimination of Racial Discrimination (CERD), item 3.

often seem to be the targets of discrimination and hostility on the part of the population. These geographical variations notwithstanding, the Roma continue to be particularly disadvantaged in the fields of education, employment and housing, and the Advisory Committee consequently finds it essential to adopt further measures in these fields. It appears that efforts undertaken as part of the programme of governmental measures to assist the Roma adopted by the Government in November 1995 have not been comprehensive enough to reduce permanently and substantially the gap between the Roma and the majority population. The Advisory Committee therefore welcomes that the Programme for active employment policy adopted in March 2002 addresses the need to improve employment opportunities for Roma. In designing further measures to promote full and effective equality for the Roma, the Slovenian authorities should take due account of the Committee of Ministers' Recommendation No. (2001) 17 on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe.

30. It appears that before Slovenia's declaration of independence in 1991 many Roma lived on State-owned land. After 1991 and subsequent to denationalisation, this land was returned to persons who had owned it before nationalisation, with the result that many dwellings occupied by Roma have become illegal according to the Slovenian authorities. In response to this situation, the authorities are attempting to find new sites for the Roma concerned, but this is proving to be a lengthy process. The Advisory Committee notes that the Government is aware of the problem and that legislation is being drafted to solve the problem of Roma illegal housing. The Advisory Committee finds that the Roma have been proportionately far more affected by this phenomenon than persons belonging to other minorities or the majority population and that this factor should be taken into account when remedial measures are designed. In view of this situation, it is essential that the authorities adopt additional measures and speed up the introduction of the necessary legislative changes that are planned. Meanwhile urgent measures should be taken to improve housing conditions where necessary.

31. The Advisory Committee considers that lack of citizenship or of a residence permit often has a negative impact on the enjoyment of full and effective equality and may lead to discriminatory practices, *inter alia* regarding access to social welfare benefits and, according to some sources, to schooling. Although official statistics on the subject are lacking, it seems that a limited number of persons originating from other Republics of former Yugoslavia who were legally resident in Slovenia when independence was declared were unable to obtain Slovene citizenship within the short time-limit allowed by the authorities for this purpose. While the Act on the "Settling of the Status of Citizens of Other SFRY Successor States in the Republic of Slovenia" passed in 1999 improved the situation to some extent by granting these persons the opportunity to apply for a residence permit within a three-month period, it does not seem to have settled the situation of people who were legally resident in Slovenia before the declaration of independence but who were unable, for various reasons, to file their applications in due time and/or provide all the requisite documents.

32. In this context, the Advisory Committee is concerned about reports according to which a significant number of Roma already resident in Slovenia in 1991, may still face undue difficulties in their efforts to obtain Slovene citizenship or residence permits. The Advisory Committee is therefore of the opinion that the Slovene authorities should ensure that legislation governing citizenship and residence permits is applied in a fair and non-discriminatory manner to all candidates, especially those originating from regions within the former Yugoslavia where it is difficult to obtain identity papers.

## Article 5

33. The Advisory Committee welcomes the existence of a well-developed legal framework, comprising both constitutional and statutory provisions, as well as a range of programmes and policies allowing persons belonging to the Hungarian and Italian minorities to preserve and develop their culture and the essential elements of their identity in very good conditions. The existence of a network of bilingual public schools (see comments relating to Article 12) and extensive mechanisms for participation (see comments relating to Article 15) are key factors in achieving for the Hungarian and Italian minorities the objectives set by Article 5 of the Framework Convention. Another key factor is the substantial funding allocated to these two minorities, in accordance with the Law on Self-governing Communities and with other relevant statutory provisions, by the Office of Nationalities, especially for radio and television programmes (see comments relating to Article 9).

34. The Advisory Committee welcomes that the terms of the Ministry of Culture's funding guidelines allow the Ministry to subsidise also the activities of cultural associations of the Hungarian and Italian minorities outside the "ethnically mixed areas". The Advisory Committee considers that the authorities should ensure that the needs of the Hungarian and Italian minorities in this field are met, as it is of the opinion that funding for cultural measures should not be restricted to the "ethnically mixed areas".

35. The Advisory Committee finds that, apart from the above-mentioned 1995 programme of governmental measures in favour of the Roma minority, measures in favour of this minority have only been developed relatively recently and that as a result there is an important need to intensify these measures. The legal framework and existing measures in the media and education spheres are very limited and there is still a significant difference in treatment in legislation on the funding of local municipalities: while expenditure in favour of the Italian and Hungarian minorities by municipalities in "ethnically mixed areas" is refunded by the State, this is not the case with expenditure in favour of the Roma in the municipalities where persons belonging to this community live. The Advisory Committee notes that the Government is currently addressing this question with a view to putting the Roma minority on an equal footing with the Hungarian and Italian minorities and encourages it to pass the corresponding legal amendments promptly, since the current situation discourages many municipalities from adopting further support measures in favour of the Roma.

36. As regards the legal framework, it should be recalled that Article 65 of the Constitution provides that "the status and special rights of the Roma community living in Slovenia shall be regulated by law". While there would seem to be differences of opinion within different ministries and/or departments as to whether a comprehensive Act is necessary to give full effect to Article 65 of the Constitution or whether it is sufficient to complete the relevant sectoral laws, the Advisory Committee urges the Government to pursue and speed up its reflection about the appropriateness of such an Act, especially in view of the fact that it appears to be the option favoured by many representatives of the Roma minority. At any rate and whatever solution is eventually chosen by the Slovene authorities (a comprehensive Act or various provisions in sectoral laws), the Advisory Committee considers that, more than ten years after the adoption of the Constitution, the status and specific rights of the Roma minority are still not completely provided for in the existing legal framework. The Advisory Committee is therefore of the opinion that the authorities should promptly remedy these shortcomings (see also related comments under Article 4).

**Article 6**

37. While persons belonging to the Hungarian and Italian minorities reportedly live in harmony with the majority population, the situation of the Roma minority and many other ethnic communities is less satisfactory.

38. Although a certain improvement has been noted in recent years, the Advisory Committee notes the persistence of attitudes of rejection and hostility towards the Roma on the part of the majority population, especially in the Dolenjska region where, in a historical perspective, they have settled more recently than in the Prekmurje region. It appears that on several occasions residents have organised petitions against the presence of Roma families or petitions requesting their departure, sometimes without the local authorities having sufficiently reacted to reduce tensions. In some cases, Roma families have had no option but to leave as a result of neighbourhood pressure.

39. Some representatives of the Roma minority report, in addition to the above-mentioned acts of discrimination in housing, the persistence of discriminatory practices on the labour market and in education (see comments relating to Article 12). Although such cases rarely lead to proceedings before the Ombudsman or in the courts, the Advisory Committee considers that the Government should take steps to assess their frequency with greater precision and to adopt the necessary measures to remedy these, especially by raising awareness of Roma culture. The Advisory Committee also draws attention to its comments on the need to complete the legal framework in order to fight all forms of discrimination (see related comments under Article 4).

40. In the field of media, the Advisory Committee notes that some newspapers continue to draw on negative stereotypes contributing to hostile attitudes towards the Roma minority, certain ethnic communities and to immigrants and refugees in general. The Advisory Committee recalls in this context that Article 6 of the Framework Convention has a wide personal scope of application covering also immigrants, refugees and persons belonging to other groups not traditionally resident in the country concerned.

41. In view of this situation, the Advisory Committee invites the Slovene authorities, bearing in mind the principles contained in Committee of Ministers' Recommendation (97) 21 on the media and promotion of a culture of tolerance, to step up their efforts to raise the media's awareness of the need for fair articles about minorities, with due respect for the media's editorial independence. These measures seem particularly necessary since in Slovenia media self-regulation procedures would need to be further developed.

42. The Advisory Committee stresses that, according to credible sources of information, the German-speaking minority is still subject to various forms of hostility and intolerance on account of deep-rooted historical prejudices. It considers that the authorities should pay more attention to this problem and enhance a spirit of tolerance towards persons belonging to this minority.

43. The Advisory Committee welcomes the fact that, in accordance with the Ministry of Culture's guidelines for funding the cultural programmes of ethnic communities other than the Hungarian, Italian and Roma minorities, a programme designed for these other communities was introduced in 1992 in line with Article 61 of the Constitution. This

programme, which *inter alia* allows publishing activities and broadcasting in the languages of these communities to be funded, is open to a large number of groups, including those made up of non-Slovenes from former Yugoslavia. This programme deserves stronger support, as it is instrumental to the promotion of the intercultural dialogue.

44. The Advisory Committee notes that representatives of the Serbian, Croatian and Macedonian communities have expressed an interest in obtaining greater support from the authorities in the field of printed media, radio and television programmes and teaching of their languages. Although, according to information provided by the Ministry of Culture, few, if any, formal requests for support in the field of media are made by non-Slovenes from former Yugoslavia, the Advisory Committee considers that the Slovene authorities should pay more attention to non-Slovenes from former Yugoslavia so as to better identify their cultural needs and address them more appropriately.

45. The Advisory Committee is of the opinion that the Government should pay more attention to requests from non-Slovenes from former Yugoslavia and from persons belonging to the German-speaking minority for support for the development of teaching of their languages within the school system. For these persons such a teaching is a key to the preservation of their identity. The Advisory Committee accordingly welcomes the already existing facilities for teaching the Macedonian language in some schools but notes that such facilities are apparently rarely if ever available for Serbs and Croats although the latter groups are far more numerous (see related comments under Article 13).

46. The Advisory Committee notes the repeated unsuccessful requests by persons belonging to the Muslim community to build a mosque in Slovenia and it encourages the authorities to address this issue.

#### **Article 7**

47. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

#### **Article 8**

48. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

#### **Article 9**

49. Article 39 of the Slovenian Constitution guarantees the freedom of expression, press and other forms of public communication. The Advisory Committee does, however, note that the Mass Media Act, which covers radio and television programmes as well as printed and electronic media intended for the public, requires that programming be disseminated in the Slovenian language or translated into this language, “unless [...] primarily intended for readers, listeners or viewers from any other language group” (see Article 5, para 1 of the Mass Media Act). Programming intended for the Italian or Hungarian minorities may be disseminated in the language of these minorities (see Article 5, para 4, of the Mass Media

Act). A similar provision applies to the publishing of advertising material if such publishing is disseminated by means of mass media (see Article 51 of the Mass Media Act).

50. The Advisory Committee trusts that in practice, the authorities interpret the expression “*primarily* intended for readers, listeners and viewers from any other language group”, which is construed as an exception in the Mass Media Act, in a manner that does not result in limitations to the freedom to receive and impart information and ideas in minority languages.

51. As to practice pertaining to the printed media, the Advisory Committee notes with approval that Slovenia provides financial support for several publications and newspapers designed for the Hungarian and Italian minorities. It should also be noted that Slovenia participates in the funding of joint institutions of the Italian minorities of Slovenia and Croatia, including “Edit” in Rijeka, which publishes newspapers in Italian. While noting that the Roma language has not yet been codified in Slovenia, the Advisory Committee is pleased to see that the Roma minority publishes a bilingual magazine co-financed by the Ministry of Culture and urges the authorities, in consultation with Roma representatives, to step up their support for publishing activities.

52. With regard to radio and television, the Advisory Committee notes that the Mass Media Act contains specific provisions on the production and broadcasting of programmes in Hungarian and Italian by public radio and television stations. The Advisory Committee welcomes the Italian minority’s excellent situation: each day Koper public radio-television service (RTV Koper) produces and broadcasts, with its editorial staff and facilities, 10 hours of TV programmes and 18 hours of radio programmes in Italian. The Advisory Committee’s attention was nevertheless drawn to the fact that some persons belonging to the Italian minority were for technical reasons unable to receive RTV Koper’s programmes in some regions near the Croatian border, and the Advisory Committee urges the Slovene authorities to examine ways and means of remedying this problem.

53. With regard to broadcasting for the Hungarian minority, the Advisory Committee notes that public radio produces and broadcasts approximately 15 hours of radio programmes in Hungarian per day. Public television produces and broadcasts a twice-weekly 30-minute programme in Hungarian. The Advisory Committee notes with approval that the authorities and representatives of the Hungarian minority agree that there should be a substantial increase in television programmes in Hungarian, which would involve increasing the Lendava television studio’s production capacities in terms of both editorial staff and technical equipment. The Advisory Committee is pleased to note that the new studio should be operational in spring 2003 and urges the authorities to provide the Hungarian minority with the necessary support so as to meet its objective of producing and broadcasting a daily 30-minute television programme by then.

54. With regard to the way in which the needs of national minorities are taken into account in radio-television broadcasting, the Advisory Committee welcomes the fact that representatives of the Hungarian and Italian minorities have special seats on the bodies of Slovene radio and television (RTV Slovenia), where they sit on the board, the highest governing body of RTV Slovenia. The Advisory Committee also notes with approval the existence of programme committees for Italian and Hungarian minority broadcasts, in which representatives of these two minorities actively participate.

55. The Advisory Committee notes with satisfaction the launching in spring 2002 of a Roma television programme broadcast in Murska Sobota. As concerns radio programmes, it notes that the authorities apparently provide financial support only for some radio programmes broadcast by certain local radio stations, especially a weekly programme of approximately one hour broadcast by Murska Sobota radio and another weekly programme in Novo Mesto. The Advisory Committee urges the authorities to continue supporting efforts to expand radio broadcasting aimed at the Roma and to set up a radio station to be run by the Roma themselves. In this context, it encourages the authorities to provide the Roma with the necessary training in this field.

#### **Article 10**

56. According to Article 11 of the Constitution, the official language in Slovenia is Slovene and in those municipalities where Italian or Hungarian national communities reside, Italian or Hungarian shall also be official languages. The Public Administration Act lays down that in “ethnically mixed areas” the administration shall conduct business, handle procedures and issue legal or other acts both in Slovene and in the language of the national community if the party residing in this area uses Italian or Hungarian. The Courts Act contains a similar provision. The regulations of municipalities located in “ethnically mixed areas” and the regulations governing the operation of the administration and the State authorities give effect to the relevant legal and constitutional provisions. Reference must be made to the statutes of the municipalities concerned to identify the precise extent of the “ethnically mixed areas” since in some of these municipalities only certain “settlements” are regarded as part of these areas.

57. The Advisory Committee welcomes the above-mentioned legal framework that undeniably allows for the use of the Hungarian and Italian languages in relations with the administrative authorities as it appears to cover the corresponding needs in the “ethnically mixed areas”. However, the Advisory Committee’s attention was drawn to the fact that in these areas inhabited by the Hungarian and Italian national minorities, it sometimes appears difficult in practice to make use of the above-mentioned legal provisions in relations with some state agencies, authorities or public services, largely because of the insufficient linguistic skills within the services concerned. Such difficulties are said to arise mainly in relations with the police but also with the postal services, public hospitals, telecommunications undertakings and electricity suppliers. Even though few applications are lodged with the courts about this, the Advisory Committee nevertheless considers that the Slovene authorities should endeavour, in co-operation with representatives of the Hungarian and Italian minorities, to identify these practical difficulties more clearly and remedy them.

58. With regard to the Roma, the Advisory Committee observes that at present they have no possibility of using their mother tongue in their relations with the administrative authorities. It considers that the Slovene authorities, in consultation with the Roma, should seek to identify their needs in this field and to meet them.

#### **Article 11**

59. The Advisory Committee welcomes the fact that in “ethnically mixed areas”, in accordance with the applicable legislation, the names of settlements and streets, topographical indications, public signposts and public announcements are bilingual, i.e. given in Slovene and in Hungarian or Italian.

## Article 12

60. The Advisory Committee notes that in the “ethnically mixed area” inhabited by the Hungarian minority, the well-developed and effective system of bilingual primary and secondary schools set up as part of the public education system is a means of meeting the requirements of Article 12 of the Framework Convention, which aims *inter alia* to promote contacts between students and teachers of different communities, in particular since it is compulsory for all pupils irrespective of their ethnic origin. In this context, the Advisory Committee welcomes that this system seems to be appreciated by most of those concerned, whether they belong to the majority population or to the Hungarian minority.

61. With regard to the provision of school textbooks, it appears that the needs of the Hungarian minority are still not fully met and the Advisory Committee can but encourage the authorities to continue to support textbook development and production, including through bilateral action with Hungary.

62. In the ethnically mixed area inhabited by the Italian minority, there is a different education system with kindergartens, primary schools and public secondary schools providing a full education in Italian. The Advisory Committee notes that this system seems to meet the needs of the persons concerned and welcomes the fact that such schools are attended not only by pupils belonging to the Italian minority but also by pupils from the majority population, thereby also encouraging contacts between students from different communities in accordance with Article 12 of the Framework Convention. According to the Italian minority and as the Government itself acknowledges, one of the main difficulties is finding trained supervisory staff and teachers for these Italian schools, especially to teach a range of subjects in Italian. This is said to be due *inter alia* to the fact that the procedure for recognising qualifications awarded in Italy is particularly lengthy. The Advisory Committee therefore urges the authorities to continue their support for the Italian minority’s efforts to recruit and train qualified staff, where necessary via bilateral action (see related comments under Article 18).

63. The educational situation of the Roma gives rise to deep concern and differs widely from that of the other minorities and the majority population. Even though the situation of Roma living in the Prekmurje region is significantly better than elsewhere in the country, equality of opportunity in access to education is not yet ensured for this minority in Slovenia. The Advisory Committee is deeply concerned about credible information alleging that a very high percentage of Roma children are still being placed in “special” schools designed for mentally handicapped children. It seems, however, that many of these children are being placed in these institutions because they are less familiar with the Slovene language when they enter school or because of real or perceived cultural differences. The Advisory Committee considers that this practice is not compatible with the Framework Convention. The Advisory Committee stresses that children should only be placed in these institutions when it is absolutely necessary, and always on the basis of consistent, objective and comprehensive tests.

64. The Advisory Committee welcomes the fact that the Slovene authorities have recognised the existence of the above-mentioned situation and committed themselves to improving the testing methods: a panel of experts rather than the school authorities should be responsible for deciding who is sent to these special schools. The Advisory Committee

considers that the Government should closely monitor developments in this sphere so as to ensure that the new measures introduced effectively remedy the situation. It notes in this context that the educational system should take full account of the language and culture of the minority in question, in accordance with the principles laid down in Committee of Ministers' Recommendation (2000) 4 on the education of Roma/Gypsy children in Europe. Such an approach would also help to promote mutual cooperation between Roma parents and the schools. In this context, the experience minorities acquire during the pre-school period is often of vital importance for them and the Advisory Committee regrets that not enough Roma children are attending kindergartens, a situation which may be partly due to the considerable expense involved for the parents. This being so, the Advisory Committee can but encourage initiatives designed to improve equality of opportunity for Roma at this early age and hopes that such initiatives will have a positive practical impact at the local level.

65. Another reason for concern comes from information about the introduction of separate classes for Roma in some municipalities, especially at Leskovec near Krsko, where classes are even, in some cases, being housed in separate buildings. Insofar as such practices seem to be left to the discretion of the schools concerned and to be an obstacle to further integration of the Roma, the Advisory Committee urges the Slovene authorities to make a full review of the situation and to take prompt measures to stop this practice.

### **Article 13**

66. The Advisory Committee notes the conflicting indications given by different authorities, sometimes implying that a prerequisite for the establishment of private schools offering teaching of a foreign language would be a bilateral agreement with the country concerned providing for reciprocal facilities, sometimes that there would be no such prerequisite. The Advisory Committee regrets that clarification could not be obtained from the authorities on this issue prior to the adoption of the current opinion. The Advisory Committee is of the opinion that if such a requirement is indeed provided for by Slovene legislation, it constitutes an obstacle not in full compliance with the Framework Convention. At any rate, the Slovene Government should clarify its position on this issue and find ways and means of developing teaching of minority languages in consultation with the persons concerned (see also related comments under Article 6).

### **Article 14**

67. The Advisory Committee welcomes the very good opportunities for persons belonging to the Hungarian and Italian minorities to receive instruction in their respective minority languages in "ethnically mixed areas" (see related comments under Article 12). The Advisory Committee also notes with approval that secondary schools, technical schools and high schools located outside "ethnically mixed areas" in Slovenia are required to offer pupils who have attended bilingual (Hungarian-Slovene) or monolingual (Italian) primary schools in "ethnically mixed areas" the opportunity to take Hungarian or Italian courses when at least five students make such a request.

68. The Advisory Committee notes that in the Slovene school system, opportunities to learn the Roma language are few, although some pilot projects have recently been launched, especially in Murska Sobota. This situation seems largely due to the uncodified nature of the Roma language and the lack of suitably qualified teachers. The Advisory Committee urges

the Slovene authorities, in consultation with representatives of the Roma minority, to continue their support for ongoing projects in the field of Roma language teaching.

## Article 15

69. The Advisory Committee notes with satisfaction that highly commendable facilities for participation have been introduced in favour of the Hungarian and Italian minorities. The system of self-governing national communities set up by the Constitution and by special legislation is noteworthy in this context in that it gives wide powers to these communities in the spheres of culture, education, research, publishing, or economic life. The Hungarian and Italian minorities are mainly organised in municipal self-governing communities set up within municipalities in “ethnically mixed areas”.

70. In addition to the above-mentioned mechanisms for participation in the media sphere (see related comments under Article 9), the Advisory Committee welcomes the guaranteed representation of persons belonging to the Hungarian and Italian minorities on the boards of kindergartens and schools. It however notes that the participation of Roma in the fields of media and education needs to be developed.

71. The Advisory Committee welcomes the various existing mechanisms for political participation, including the ones resulting from the system of self-governing communities. These include *inter alia* the right of persons belonging to the Hungarian and Italian minorities living in “ethnically mixed areas” to have at least one representative on the municipal council elected from a list of candidates belonging to the minority. It is also guaranteed that the Hungarian and Italian minorities each have the right to be represented by a Member of Parliament. These two MPs are elected on the basis of special lists, the right to vote being confined here to persons belonging to the Hungarian and Italian minorities who may live either inside or outside the “ethnically mixed areas” and who also have a second vote like any other citizen. MPs elected for these two national minorities have the right to veto legal provisions and implementing regulations in Parliament when these exclusively affect the rights of minorities.

72. The Advisory Committee notes that the above-mentioned scheme for participation allows for a high level of participation in political, cultural, social and economic life by persons belonging to the Hungarian and Italian minorities. The Advisory Committee notes with concern, however, that this is not fully the case for persons belonging to the Roma minority.

73. It is true that the Government has set up a Roma Affairs Commission which is supposed to promote dialogue with representatives of this minority on all Roma-related questions, but the Commission seems to have a relatively limited role. Consideration could therefore be given to extending the scope of the mandate of this Commission. Furthermore, the Advisory Committee notes the widespread feeling that substantial progress needs to be made primarily in the field of political representation of the Roma at local level to ensure that persons belonging to the Roma minority enjoy better participation in public affairs, in particular those affecting them.

74. It is to be noted that in judgment U-I-416/98-38 of 22 March 2001, the Constitutional Court gave a ruling on the question of the political representation of Roma at local level. In this case, it noted that the Statute of Novo Mesto municipality failed to comply with the Local

Self-Government Act and with the Constitution because it contained no provision to ensure that the Roma community was represented on the municipal council. In its ruling, the Constitutional Court called on Parliament to amend the Local Self-Government Act so as to establish a clearer definition of criteria governing the right to political representation at local level, especially in view of the fact that the Novo Mesto authorities stressed the uncertainty of the term “autochthonous” and the lack of a clear percentage for the minimum requisite size of the Roma community.

75. The Advisory Committee strongly welcomes that the Law on the changes and additions to the Self-Government Act was passed in May 2002, Article 14 of which lists 20 municipalities which have to ensure a seat for one Roma representative in the Municipal Council at the next local elections due to take place in October 2002. The Advisory Committee, however, notes with concern that among all municipalities concerned, very few seem to have expressed their approval of Roma representation, which gives an idea of the extent of the resistance to be overcome. The Advisory Committee considers that the aforementioned Law is likely to give a decisive impetus to the political participation of persons belonging to the Roma minority at local level. It therefore urges the authorities, especially at local level, to do their utmost to ensure the full implementation of this Law and to encourage its acceptance by the population.

76. The Advisory Committee notes with concern that substantial efforts still need to be made to ensure effective participation of Roma, especially Roma women, in economic, social and cultural life. The impact of such measures in terms of full and effective equality (see also the related comments under Article 4) will need to be closely monitored through the collection of relevant data. The Advisory Committee is of the opinion that the Slovene authorities should address this issue and consider introducing more appropriate structures to enable the Roma to be regularly consulted, throughout the entire territory of Slovenia, on matters affecting them.

#### **Article 16**

77. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

#### **Article 17**

78. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

#### **Article 18**

79. The Advisory Committee notes that Slovenia has concluded bilateral agreements aimed at protecting minorities and their cultures with neighbouring countries, including with Hungary. It welcomes in particular the signature, on 30 April 2001, of a co-operation agreement with Austria on culture, education and science.

80. The Advisory Committee considers that the Slovene authorities should make sure that procedures for the recognition of qualifications laid down in bilateral agreements with Italy are working properly and, if necessary, should look into ways of improving them (see related comments under Article 12).

**Article 19**

81. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

#### **IV. MAIN FINDINGS AND COMMENTS OF THE ADVISORY COMMITTEE**

82. The Advisory Committee believes that the main findings and comments set out below, could be helpful in a continuing dialogue between the Government and national minorities, to which the Advisory Committee stands ready to contribute.

##### **In respect of Article 3**

83. The Advisory Committee *finds* that the use of the apparently not legally defined notion of “autochthonous character” of persons belonging to the Roma community raises legal and practical uncertainties and carries a risk of arbitrary exclusion. The Advisory Committee *considers* that the Slovene authorities should review its relevance and the justification for retaining it.

84. The Advisory Committee *finds* that it would be possible to consider the inclusion of persons belonging to other groups in the application of the Framework Convention on an article-by-article basis and *considers* that Slovenia should consider this issue in consultation with those concerned.

##### **In respect of Article 4**

85. The Advisory Committee *finds* that there are important socio-economic differences between many Roma and the rest of the population and that, in spite of geographical variations, the Roma continue to be particularly disadvantaged in the fields of education, employment and housing. The Advisory Committee therefore *considers* it essential to adopt further measures in these fields.

86. The Advisory Committee *finds* that, after 1991 and subsequent to denationalisation, many dwellings occupied by Roma, amongst others, have become illegal according to the Slovenian authorities. The Advisory Committee *finds* that the Roma have been proportionately far more affected by this phenomenon than persons belonging to other minorities or the majority population and that this factor should be taken into account when remedial measures are designed. In view of this situation, the Advisory Committee *considers* it essential that the authorities adopt additional measures and speed up the introduction of the necessary legislative changes that are planned. It also *considers* important that urgent measures are taken to improve housing conditions where necessary.

87. The Advisory Committee *finds* that there is reason for concern about reports according to which a considerable number of Roma already resident in Slovenia in 1991, may still face undue difficulties in their efforts to obtain Slovene citizenship or residence permits. The Advisory Committee therefore *considers* that the Slovene authorities should ensure that legislation governing citizenship and residence permits is applied in a fair and non-discriminatory manner to all candidates, especially those originating from regions within the former Yugoslavia where it is difficult to obtain identity papers.

##### **In respect of Article 5**

88. The Advisory Committee *finds* that the existence of a well-developed legal framework, comprising both constitutional and statutory provisions, as well as a range of

programmes and policies allowing persons belonging to the Hungarian and Italian minorities to preserve and develop their culture and the essential elements of their identity are to be welcomed. The Advisory Committee *finds* that expenditure in favour of the Italian and Hungarian minorities by municipalities in “ethnically mixed areas” is refunded by the State but that this is not the case with expenditure in favour of the Roma in the municipalities where persons belonging to this community live. The Advisory Committee *considers* that the Government should continue to address this question with a view to putting the Roma minority on an equal footing with the Hungarian and Italian minorities.

89. The Advisory Committee *finds* that the status and specific rights of the Roma minority are still not completely provided for in the existing legal framework. The Advisory Committee therefore *considers* that the authorities should remedy these shortcomings without delay.

### **In respect of Article 6**

90. The Advisory Committee *finds* that there are persisting attitudes of rejection and hostility towards the Roma on the part of the majority population, especially in the Dolenjska region. It also *finds* that representatives of this minority report about discrimination in housing, as well as discriminatory practices on the labour market and in education. The Advisory Committee *considers* that the Government should take steps to assess their frequency with greater precision and to adopt the necessary measures to remedy these, especially by raising awareness of Roma culture.

91. In the field of media, the Advisory Committee *finds* that some newspapers continue to draw on negative stereotypes contributing to hostile attitudes towards the Roma minority, certain ethnic communities and to immigrants and refugees in general. It *considers* that the authorities should step up their efforts to raise the media’s awareness of the need for fair articles about minorities, with due respect for the media’s editorial independence.

92. The Advisory Committee *finds* that credible sources of information report that the German-speaking minority is still subject to various forms of hostility and intolerance on account of deep-rooted historical prejudices. The Advisory Committee *considers* that the authorities should pay more attention to this problem and enhance a spirit of tolerance towards persons belonging to this minority.

93. The Advisory Committee *finds* that representatives of the Serbian, Croatian and Macedonian communities have expressed an interest in obtaining greater support from the authorities in the field of the printed media, as well as for radio and television programmes. It *considers* that the authorities should pay more attention to these groups so as to better identify their cultural needs and address them more appropriately. It also *considers* that the authorities should pay more attention to requests from these groups and from persons belonging to the German-speaking minority for support for the development of teaching of their languages within the school system.

### **In respect of Article 9**

94. The Advisory Committee *finds* that the Italian minority’s excellent situation as concerns public radio-television service is to be welcomed, although some persons belonging to the Italian minority appear for

technical reasons unable to receive RTV Koper's programmes in some regions near the Croatian border. The Advisory Committee therefore *considers* that the Slovene authorities should examine ways and means of remedying this problem.

95. The Advisory Committee *finds* that there should be a substantial increase in television programmes in Hungarian, which would involve increasing the Lendava television studio's production capacities in terms of both editorial staff and technical equipment. The Advisory Committee *considers* that the authorities should provide the Hungarian minority with the necessary support so as to meet its objective of producing and broadcasting a daily 30-minute television programme by spring 2003.

96. The Advisory Committee *finds* that the authorities apparently provide financial support only for some radio programmes broadcast for Roma by certain local radio stations. The Advisory Committee *considers* that the authorities should continue supporting efforts to expand radio broadcasting aimed at the Roma and set up a radio station to be run by the Roma themselves.

### **In respect of Article 10**

97. The Advisory Committee *finds* that the existing legal framework undeniably allows for the use of the Hungarian and Italian languages in relations with the administrative authorities as it appears to cover the corresponding needs in the "ethnically mixed areas". The Advisory Committee however *finds* that it sometimes appears difficult in practice to make use of the relevant legal provisions in relations with some state agencies, authorities or public services, largely because of the insufficient linguistic skills of the civil servants concerned. It therefore *considers* that the authorities should endeavour, in co-operation with representatives of the Hungarian and Italian minorities, to identify these practical difficulties more clearly and remedy them.

### **In respect of Article 12**

98. The Advisory Committee *finds* that the needs of the Hungarian minority are still not fully met as concerns the provision of school textbooks. It *considers* that the authorities should continue to support textbook development and production, including through bilateral action with Hungary.

99. The Advisory Committee *finds* that one of the main difficulties faced by Italian schools is to find trained supervisory staff and teachers, especially to teach a range of subjects in Italian. The Advisory Committee therefore *considers* that the authorities should continue their support for the Italian minority's efforts to recruit and train qualified staff, where necessary via bilateral action since it appears that the procedure for recognising qualifications awarded in Italy is particularly lengthy.

100. The Advisory Committee *finds* that there is reason for deep concern about credible information alleging that a very high percentage of Roma children are still being placed in "special" schools designed for mentally handicapped children, although many of them are apparently being placed in these institutions because they are less familiar with the Slovene language when they enter school or because of real or perceived cultural differences. The Advisory Committee *finds* that this practice is not compatible with the Framework Convention. It also *finds* that the authorities have recognised the existence of the above-

mentioned situation and committed themselves to improving the testing methods. The Advisory Committee *considers* that the authorities should closely monitor developments in this sphere so as to ensure that the new measures introduced effectively remedy the situation.

#### **In respect of Article 14**

101. The Advisory Committee *finds* that in the Slovene school system, opportunities to learn the Roma language are few, although some pilot projects have recently been launched. The Advisory Committee therefore *considers* that the authorities, in consultation with representatives of the Roma minority, should continue their support for ongoing projects in the field of Roma language teaching.

#### **In respect of Article 15**

102. The Advisory Committee *finds* that the existing mechanisms for participation allow for a high level of participation in political, cultural, social and economic life by persons belonging to the Hungarian and Italian minorities. The Advisory Committee *finds* that this is not fully the case for persons belonging to the Roma minority. The Advisory Committee *finds* that the Law on the changes and additions to the Self-Government Act, adopted in May 2002, is likely to give a decisive impetus to the political participation of persons belonging to the Roma minority at local level. It *considers* that the authorities, especially at local level, should do their utmost to ensure the full implementation of this Law and encourage its acceptance by the population.

103. The Advisory Committee *finds* that substantial efforts still need to be made to ensure effective participation of Roma, especially Roma women, in economic, social and cultural life. The Advisory Committee *considers* that the authorities should address this issue and consider introducing more appropriate structures to enable the Roma to be regularly consulted, throughout the entire territory of Slovenia, on matters affecting them.

## V. CONCLUDING REMARKS

104. The Advisory Committee considers that the concluding remarks below reflect the main thrust of the present opinion and that they could therefore serve as the basis for the corresponding conclusions and recommendations to be adopted by the Committee of Ministers.

105. As concerns the implementation of the Framework Convention, the Advisory Committee considers that Slovenia has made particularly commendable efforts in respect of the Hungarian minority, notably as regards its status in such fields as education and participation in public affairs. Similarly, particularly commendable efforts have been made in respect of the Italian minority, *inter alia*, in the fields of media and participation in public affairs.

106. At the same time, efforts will have to be made to ensure the full realisation in practice of the Framework Convention. There is scope for improvement in the media sector concerning the Hungarian minority for which public radio and TV broadcasts should be significantly extended. In the field of education, efforts by the Italian minority to recruit and train qualified staff should be further supported. As regards the use of Hungarian and Italian in relations with administrative authorities, there remain shortcomings in the practical implementation of existing legal provisions.

107. Problems remain in respect of the implementation of the Framework Convention as concerns all the different groups of Roma, especially as regards housing, employment, the existence of important socio-economic differences as well as acts of discrimination. Further measures to promote equal opportunities in the access of Roma to education should be taken given their unsatisfactory status in this field.