

## CONSTITUTIONAL POSITION OF THE AUTOCHTHONOUS ETHNIC MINORITIES IN SLOVENIA

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The implementation of the rights of ethnic groups in Slovenia is characterised by the existence of two autochthonous ethnic communities (minorities) - Hungarian and Italian. So it is relevant to this discussion to explain the constitutional position of these two autochthonous ethnic communities (minorities).

In fact, there is a third autochthonous community, but without a corresponding mother state: Romany (Gypsy) community. But in contrast with Hungarian and Italian communities, whose special rights are defined in the Constitution, the special rights of the Romany community will be defined by statute (law). The law regulating the special rights of Romany community shall be prepared in cooperation with its representatives.

Let us first make a remark concerning terminology. In the present Slovenian Constitution and legislation, the term »ethnic minority« is not used; instead the term used is »ethnic community«. The purpose behind replacing the term »minority« with »community« is to avoid the negative or pejorative connotation of the term »minority«. This replacement was made on the initiative of representatives of the ethnic minorities in the Constitutional commission responsible for drafting the text of the present Constitution. But for the purpose of professional discussion, I believe the term »ethnic minority« is used in a neutral sense without negative connotations felt by members of the national minority.

In the framework of the catalogue of Human Rights and Basic Freedoms in the present Constitution of the Republic of Slovenia, additional special rights are guaranteed to the two autochthonous ethnic minorities, Hungarian and Italian. Some of these rights are:

- the right to be directly represented in the first Chamber (Državni zbor, State Chamber) and in organs of local self-government (municipality or commune, region),
- the right to consent statutes and other regulations concerning only the rights and status of both minorities,
- the right to use their own native language,
- the right to bilingual public services,
- the right to education and schooling in their native language or in bilingual schools,
- the right to free use of their national symbols,
- the right to establish self-governing ethnic communities (organisations),
- the right to cooperation with the nation of their homeland.

One important starting point in regulating the status (rights) of the autochthonous ethnic communities is that this status doesn't depend of their numerical strength. So the rights of both the Italian and Hungarian ethnic communities shall be guaranteed regardless of how many members each of the communities have. This principle is important,

because most of the populations in Slovenia is Slovene and the two ethnic groups in question have low percentages: figures from the last census 1991: Slovenes 1.965,986 (87.8 %), Hungarians 8.503 (0.43 %) and Italians 3.064 (0.16 %).

The Constitution stipulates an obligation on the Republic of Slovenia to support morally and financially the implementation of the defined rights of the Hungarian and Italian ethnic communities.

In my opinion the most important guarantees for the status and rights of ethnic minorities are on the institutional level. Six aspects should be mentioned:

- First: the Constitution itself is the most important element of these guarantees: on the one hand, it defines the catalogue of human rights and basic freedoms, including the special rights of autochthonous ethnic communities; on the other hand it secures the protection of this rights;

- Second: autochthonous ethnic communities are directly represented in the Parliament in the first Chamber (Državni zbor); each Community has one deputy, directly elected by the members of the Hungarian and Italian communities respectively;

- Third: in contrast with all other laws and political decisions in parliament, where the majority rule applies, in cases where only ethnic communities are concerned, the consent of the ethnic communities is required: no statute (law) concerning the implementation of the constitutional rights and status of the ethnic communities, can be enacted without the consent of the representatives of the ethnic communities;

- Fourth: In the first chamber (Državni zbor) is a Committee for minorities (consisting of representatives of both the Hungarian and Italian communities and other deputies), authorised to discuss laws and other enactments concerning the status and implementation of the rights of ethnic communities, to discuss matters concerning education, schooling, economic activity, mass media and publishing houses of the ethnic communities, the development of contacts between the Hungarian and Italian communities and their mother nation. The Committee is authorised to propose measures for implementation of the rights of both ethnic communities; such committees for minorities exist in ethnically-mixed communes (in the Italian area: Koper, Izola, Piran; in the Hungarian area: Lendava, Murska Sobota);

- Fifth: on the local level in the ethnically-mixed territories (Hungarian-Slovene, Italian-Slovene), in the municipal assemblies each ethnic community is adequately represented, as regulated by municipal statute;

- Sixth: in the framework of government bodies is the Office for Minorities, responsible for monitoring the position of both minorities and providing possibilities for the functioning of their organisations in several fields of political and social life.

These institutional conditions enable the implementation of the above special rights of the two ethnic communities.

The special rights of both ethnic communities are collective as well as individual rights. As collective rights, they apply to the ethnic community as a whole, regardless of its numeric strength. As individual rights, they belong to every single member of this ethnic community. When to apply rights to the ethnic group as a collective and when to individual members of the group, depends upon the nature of the rights.

One very important issue is the right of members of the Hungarian and Italian community to use their own native language and the right to education and schooling in their native language. This has consequences regarding the official language in Republic



of Slovenia and the use of language by individuals in dealings with public agencies, implementing their rights.

In the Republic of Slovenia, the official language is Slovene. In addition, in those areas where Italian or Hungarian ethnic communities live, the official language is also Italian or Hungarian.

While everyone in dealing with public agencies has the right to use his/her own language and script in the manner determined by statute (law), both ethnic communities have the right to bilingual administration. State organs, judicial authorities and public services use both languages in dealing with members of the Hungarian and the Italian ethnic communities. Furthermore all public signs, public notices and the like are always bilingual.

The system of Upbringing and Education for the Italian or Hungarian community is based on special curricula, ensuring that in these schools they teach both the minority language and Slovene and pay special attention to familiarising students with the culture, history and geography of the mother country in order to maintain their ethnic identity. There are two different models of upbringing and education: the Italian community attends monolingual (Italian) schools, while the Hungarian community attends bilingual schools (Hungarian-Slovene) together with Slovene pupils.

The right to free use of the national symbols of the ethnic community is significant. In practice, this is manifested through the use of the flag and anthem. But some problems can be provoked, if the flag and anthem of the ethnic minority were the same as the flag and anthem of an other state (mother state).

Each ethnic minority cultivates a dynamic and close relationship with its mother nation and mother country on many levels and in different forms (guest performances, exchange of artistic groups, assistance of mentors, additional training of teachers, scholarships, direct material assistance to minority organisations a.s.o.).

Until recently, greater assistance has been extended to the Italian minority in Slovenia, but lately Hungary has been paying more attention to its minority in Slovenia and has established rather intense ties with it.

In addition, in November 1992 the Republic of Hungary and the Republic of Slovenia signed a special agreement on the protection of the Hungarian minority in Slovenia and the Slovenian minority in Hungary. This agreement represents a new opportunity to foster all forms of protection of both the Hungarian and Slovenian minorities.

Both the Italian and Hungarian ethnic communities enjoy high standard for their special rights and their entire status - several international monitoring missions have already confirmed that ethnic minorities in Slovenia are protected even better than international standards demand. Many eminent representatives of both communities gained recognition and respect in Slovene political and public life: the mayor of the largest ethnically-mixed commune (Koper) is a member of the Italian minority, and Slovenia's current ambassador to Hungary is a member of Hungarian minority.

The present model of securing special rights of the ethnic minorities and the entire status will be further improved in line with general trends in Europe.

Recently, the law of self-governing ethnic communities was passed in the Parliament. Such self-governing ethnic communities have existed in Slovenia for several years and have very good reputation among the members of both minorities. At the

level of communes (municipalities) the self-governing communities, in accordance with the law, decide with the local assembly on matters concerning the ethnic minority. They deal with matters concerning the status of ethnic minority and prepare proposals and initiatives for competent organs etc.

### **Povzetek**

#### *Ustavni položaj avtohtonih narodnih manjšin v Sloveniji*

*Uresničevanje pravic narodnih manjšin v Sloveniji zaznamuje obstoj dveh avtohtonih narodnih skupnosti (manjšin) - madžarske in italijanske. V okviru človekovih pravic in temeljnih svobod, ki jih zagotavlja sedanja ustava republike Slovenije, imata obe avtohtoni narodni manjšini še dodatne posebne pravice.*

*Posebne pravice obeh manjšin so tako kolektivne kot individualne. Kot kolektivne pravice se nanašajo na narodno manjšino kot celoto, ne glede na njeno številčnost, kot individualne pravice pa pripadajo vsakemu posameznemu članu narodne manjšine. Vprašanje, kdaj se določene pravice nanašajo na manjšino kot celoto in kdaj na posameznika, zavisi od narave samih pravic.*

*Italijanska in madžarska narodna manjšina uživata visoko raven zaščite, tako glede posebnih pravic kot glede celotnega statusa; številne mednarodne nadzorne misije, ki so obiskale Slovenijo, so potrdile, da zaščita narodnih manjšin v Sloveniji celo presega mednarodne standarde.*

*Nedavno je bil v parlamentu sprejet nov Zakon o samoupravnih skupnostih. Tovrstne skupnosti imajo v Sloveniji že dolgoletno tradicijo in med pripadniki obeh manjšin uživajo velik ugled. Na občinski ravni te samoupravne skupnosti, v skladu z zakonom, v sodelovanju s krajevno skupščino odločajo o stvareh, ki zadevajo manjšino. Obravnavajo problematiko statusa narodnih manjšin in pripravljajo predloge in pobude za pristojne državne organe.*