

The Hungarian National Minority in Slovenia: Assessment of Protection and Integration after EU Accession

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Abstract: *The following paper will focus on the issue of the Hungarian minority protection in Slovenia. The first section introduces the Hungarian national minority, its main features and historical evolution. The second one gives a historical view on the practice of minority protection towards Slovene Hungarians, from Communist Yugoslavia to the 'Europeanization' process in the country. Further on, the level of minority protection will be analysed both at theoretical and empirical level: firstly, through the theoretical analysis of the legal status of the Hungarian minority, taking into account five main headings (education, use of language, political participation, cultural life, information and the media); secondly, through the results of a field research carried out among minority members, in order to find out the nature and extent of possible discrepancy between theory and practice. The main research hypothesis is that Slovenia has established a successful model of minority protection in what regards the Hungarians. This statement is to great extent confirmed by the analysis of minority policies and legal provisions and, with some specifications, by the analysis of opinions and feelings of 'qualified witnesses' belonging to the Hungarian community.*

Keywords: *Hungarians, integration, minority, protection, Slovenia*

Introduction

Slovenia, like most of countries, is an ethnically and culturally pluralistic society. The location of the Slovene territory at the contact of Slavic, German, Romans and Finno-Ugric people influenced the culture, language and identity of this area and its population to great extent (Novak Lukanovic 2005: 290). Nevertheless, considering the percentage of Slovenes in the total population of the Republic of Slovenia, it is possible to maintain that it can be defined as a rather ethnically homogeneous country. According to 2002 census, in fact, the ethnically Slovene population represented over 83% of the total population of the country (Statistical Office of the Republic of Slovenia, Population Census 2002).

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This relative homogeneity is however 'jeopardized' by the presence of both immigrant minorities and historical communities. The data for the second half of the 20th century show that the share of members of other ethnic groups grew from 3% in 1953 to almost 17% in 2002 (Plostajner 2002: 1).

On the one hand, Slovenia's experience of migrations is relatively recent and regards mostly former Yugoslav 'nationalities', who moved after the collapse of Yugoslavia and obtained Slovenian citizenship (according to article 40 on the Law of Citizenship), and 'newly emerged minorities' (Komac 2002), whose majority is still constituted by people from former Yugoslav Republics, respectively from Eastern Europe and far East countries (Eurostat figures 2011). On the other hand, Slovenia is home to three native communities, two of which - the Italian and the Hungarian one - were formally recognized as national communities with special status in the Constitution of the Republic of Slovenia of 1991, whereas a third one - the Roma minority - was deemed to be an historical ethnic minority and was therefore granted a special status. These two groups - autochthonous and newly formed minorities according to Plostajner's categorization (Plostajner 2004) have contributed differently to the share of non-ethnically Slovenes: while the former kept growing in numbers, the latter (especially the Hungarians) has experienced considerable decline.

The aim of this paper is to assess the level of protection assigned to the Hungarian national minority. Particular attention has been dedicated in literature to the Italian national community, whereas the Hungarian national minority has not attracted the same interest, at least in the international scholarly literature. The main question the paper addresses is: 'Has Slovenia developed an effective model of minority protection towards the Hungarian national community?'

The research is based on the one hand on the collection and analysis of data available within the existing legal-institutional framework and on the other hand on an empirical field - work. Firstly, the relevant information and data for the analysis and evaluation have been compiled by the use of different methods: analysis of the relevant literature, analysis of legislation, analysis of statistics, review of the existing studies, informal discussions with minority representatives. Internal laws, State reports on the implementation of the Framework Convention for the Protection of National Minorities (FCNM), opinions of the advisory committee and official Gazettes have been primary sources.

Secondly, a field-research was conducted through semi-structured questionnaires investigating the practice of minority protection; the aim was to identify the perception of minority members' protection, in order to outline possible discrepancies between the policy goals and the everyday life level. In both phases, the analysis will be conducted with reference to six main heading of minority protection: education, use of language, political representation and participation, cultural life, information and the media.

1. The Hungarian minority in Slovenia: background, settlements and main features

In the last available census (2002), 6,243 persons in Slovenia declared themselves as being Hungarians and 7,713 persons declared Hungarian language as their mother tongue¹.

¹ Last census available for this year. See Statistical Office of the Republic of Slovenia, census of population by ethnic affiliation (2002), at http://www.stat.si/popis2002/en/rezultati_html/SLO-T-07ENG.htm.

About 83% of persons declaring themselves as Hungarians reside on the ethnically mixed area in five municipalities in the Prekmurje region which extends along the Hungarian border. The native Hungarian population of the Prekmurje region has occupied the Lendva Basin, the foot of Mount Lendva and the hills along the Kerka for over eight centuries. The Hungarian minority in Slovenia is amongst those communities which have maintained until now a strong territorial concentration and in the ethnically mixed areas it still represents the most numerous group, although the surface of the territory inhabited by autochthonous Hungarians is less than 200 km² (Novak Lukanovic 2005: 292).

In the northern ethnically mixed area (Northern Goriško) they represent the most numerous group of the population, about two-thirds of the inhabitants, whereas in the southern part they represent almost half of the population. For reasons of study and work, part of the Hungarian population moved to the major cities of Slovenia, thus there has been a development of dispersed settlements.

The total number of the Hungarian population in Slovenia is gradually decreasing (Barborini 1997): since the 1950s/ 1960s it lost almost half of its members. The demographic development of the Hungarian minority in the regions of their settlements can be explained as a result of both external factors (geographic features of their settlement areas, e.g. natural change, migration) and internal factors (statistical methods of registration, national policy of the state, mixed marriages, changes in the identity of the population, and natural assimilation). While in the interwar period the Hungarian minority represented over 2% of the entire population (Eberhardt 2003: 341), and in 1953 almost 0.8%, nowadays they represent only about 0.3 %.

The gap between the number of people of Hungarian ethnicity and people of Hungarian mother tongue indicates assimilation, in spite of the broad forms of protection in favour of the national community, which however applies only in the area of traditional permanent settlement. Another important reason for the decline should be sought in the demographic characteristics of the Hungarians. Several studies carried out in the 1980s and 1990s² show a low birth rate and high seniority levels, which results in a negative index of natural growth. One more reason stems from the structural difficulties of the area of settlement, which is considered to be one of the most underdeveloped ones in Slovenia. The lack of jobs and the low incomes arising from the lack of means of communication and the position along a traditionally 'closed' border have forced many young people to move, which has worsened the reproductive basis for the future.

The Hungarian minority has had a diversified development in the three areas of settlement. The mixed territory of Prekmurje has an economic and population growth almost at the step with that of the Republic; the mixed territory of Murska Sobota, economically underdeveloped, is the subject to population decrement; the area of Lendava shows an overall increase of inhabitants, but a decline in the Hungarian population.

The Hungarian national community is quite active and has numerous societies and other cultural and educational institutions. The Hungarian national community has over 30 amateur societies and groups, whose activities and organisational tasks are carried out by the Institute for the Culture of the Hungarian national community (Komac 2002). In the field

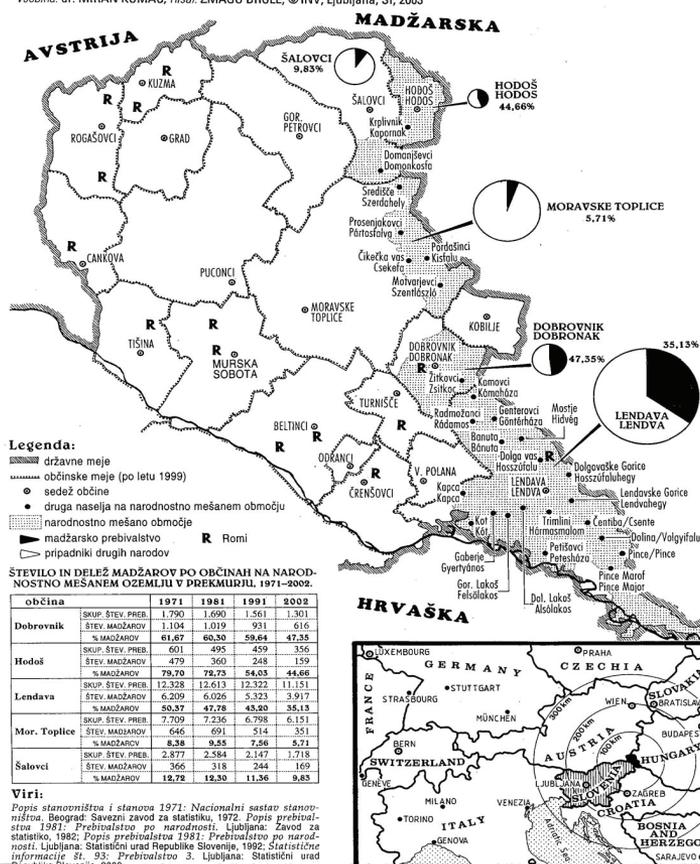
² See Statistical Annual of the Republic of Slovenia, graph of numeric development of Hungarian in Slovenia, available at <http://www.stat.si>.

of education, schools in the ethnically mixed areas must be bilingual by law (education is conducted in both languages, Slovene and Hungarian, for all inhabitants of the area). The Institute for the Information Activity of the Hungarian national community based in Lendava publishes a weekly newspaper in the Hungarian language. Radio and television programs for the Hungarian National Community are produced within the public Radiotelevizija Slovenija, at the Regional Radio and Television Centre Maribor – Hungarian Programs Studio Lendava. Since 2004 the Hungarian national community has a radio and television studio in Lendava, which is financed by the Radiotelevizija Slovenija and the Office for Nationalities.

Figure n. 1: Settlements of Hungarians in Slovenia (2002)

Karta : DELEŽ MADŽAROV PO OBČINAH NA NARODNOSTNO MEŠANEM OZEMLJU PREKMURJA LETA 2002.

Vsebina: dr. MIRAN KOMAC; Risa: ZMAGO DROLE; © INV, Ljubljana, SI, 2003



Source: Institute for Ethnic Studies, Ljubljana 2003

2. Evolution of minority policies

2.1 From Communist Yugoslavia until independence

Both the federal Yugoslav Constitutions and the Constitutions of the Republics and autonomous provinces explicitly have provisions for the protection of ethnic minorities. In theory, Yugoslav standards were even higher than the standards in other European States, but in fact a wide gap between theory and practice was already emerging in the early phases of former Yugoslavia.

During the period of Communist Yugoslavia (1945-1991), the equality of national minorities was one of the key questions of Yugoslav internal politics. The principle of national minorities rights were codified in the 1946 and 1963 constitutions and reaffirmed again by the last federal constitution of 1974, where ethnic groups were defined as 'nationalities', which underlined that nationalities constituted equally important parts of the society (Klemencic, Župancic 2004: 339).

Slovenia became in this period an example of how to protect autochthonous national minorities. As far back as the Constitution of Slovenia of 1963 guaranteed the Hungarian (as well as the Italian) minority rights in the following domains: equality and the possibility of development and progress in all fields; equality of their language in ethnically mixed territories; care for the development of education and media. The importance of both minorities was emphasized also in a chapter on the special rights of Italians and Hungarians in the last Slovenian Constitution in Former Yugoslavia, which guaranteed to both minorities free usage of their languages, expression of their national culture, and use of symbols and establishment of special organizations. In ethnically mixed territories, the use of minority language in educational field was implemented with the adoption of statutory regulations.

The system of special minority rights did not come into existence until the independence of Slovenia. Though elements of minority protection were in place soon after World War II, the whole system was more or less completed only by the mid-1980s (Šabec 2007). The Constitution of independent Slovenia upgraded the level of protection of the Italian and Hungarian minorities. The special status of Italians and Hungarians was re-asserted and defined by the new Constitution of 1991 as "autochthonous national communities". Article 5 (1) of the constitution lays down: "In its own territory, the state [...] shall protect and guarantee the rights of the autochthonous Italian and Hungarian national communities". Two rules, at the core of today's system of protection, were new: firstly, the level of protection and rights was not dependent on the number of members of minority groups in proportion to other groups; secondly, laws and other ordinances that dealt with granting constitutional rights and the situation of national minorities could not be accepted without the consent of representatives of the national minorities (Klemencic, Župancic 2004: 340 - 345). This is a type of 'absolute' veto in the hands of representatives of the national minorities (both deputies in the Slovene parliament and municipal council members). Compared to the most of other Council of Europe and E.U. member states, since then, Slovenia enacted very broad minority protection.

The new Slovenian Constitution of 1991 (Art. 64) restricted the right to mother-tongue education to the so-called autochthonous minorities, the Italians and Hungarians. After the independence of Slovenia until the EU accession little has changed regarding the

system of protection affecting these two minorities, which is considered a longstanding example of good practice.

A third group has been ascribed a special minority status by the 1991 Constitution, the Roma, which were officially recognized as autochthonous people. Since the '90s, Slovenia is generally considered a model country for minority legislation, especially in comparison to other former Communist countries.

2.2 In the wake of the EU accession

Upon the admission of Slovenia to the Council of Europe, the Rapporteur of the Committee on Legal Affairs and Human Rights stated in his opinion, expressed in 1993, that the way Slovenia protected the rights of minorities was a model and an example for many other European states both for the East and West. (Klopčič, Stergar 1994: 6).

Slovenia became a member of the EU on 1st May 2004. Slovenia applied for full membership in 1998 with the signing of the Europe Agreement. Thereafter the European Commission issued the Commission Opinion on Slovenia's Application for Membership of the European Union; according to this document, the rights of minorities in the country were considered well guaranteed and protected, in spite of some deficiencies regarding the status of Roma. According to the 2001 Report of the Commission, the situation of the Hungarian and Italian minorities was to be considered as good and the protection of their rights as comprehensive³. (European Commission, 2001).

Even though the State was already evaluated at the beginning of the accession period as having fulfilled the greatest part of the set of the Copenhagen criteria successfully, the prospective of EU enlargement motivated Slovenia to undertake a set of policies and regulations in order to improve minority policies. However, already before the accession, the State applied a concept of positive protection of autochthonous ethnic minorities that even surpasses the international standards on the protection of ethnic minorities (Plostajner 2002: 4).

2.3 Latest tendencies

Although the level of protection of the Hungarian minority is quite exemplary on the paper, the discrepancy between the laws and their correct application has shown rather high on several occasions. The field in which norms are often bypassed is bilingualism; in particular, the minority languages are still in a weak position in the public administration and in the courts.

In the year 2011 President Pahor promised that the funds reserved to the minorities will remain the same for the next two years, in spite of the crisis. However, due to the effects of the on-going crisis, budgetary cuts are foreseen for the years to come.

The Office for Nationalities of the Slovenian Parliament has urged the government to prepare a 'Law of global protection of minorities' in order to complete the current legal system and, above all, to provide mechanisms to ensure the application.

In January 2012, the proposal gained momentum: the agreement on cooperation of the deputies of the Italian and Hungarian national communities was signed with the Government of the Republic of Slovenia for its 2012-2015 term. According to the

³ European Commission (2001) Regular Report on Slovenia's progress towards Accession, Brussels, 13 November 2001, SEC (2001) 1755, 21.

agreement, in order to provide for an appropriate socio-political and economic situation of the Italian and Hungarian national communities in Slovenia, the preservation of the existent protection measures of positive discrimination and their further development, the Government of the Republic of Slovenia will prepare a framework law⁴.

3. Legal protection

Slovenian legislation protects three minorities - Hungarians, Italians and partly Roma. The State assigns only to Slovenia's Italians and Hungarians the status of "ethnic/national community" and guarantees full legal protection of their collective and individual rights⁵. The protection of ethnic minorities in Slovenia is based on two principles: the principle of territoriality and the principle of community. The framework of Slovenian legislation is in fact provided by the concepts of ethnically mixed territory and the system of collective rights which the State grants irrespective of numerical strength or proportion of members of ethnic minorities on the ethnically mixed territory (Komac 2002a: 101, Petricusic 2004: 4).

Collective rights pertain to ethnic minorities as objectively existing subjects. The absence of a numerical clause means that the state acknowledges ethnic minorities as a particularly important element in the historical development of the nation and recognizes that a particular territory is home to several ethnic groups. However, it depends on the individual members of the ethnic communities when and to what degree they will exercise their 'granted' special rights. Ethnically mixed areas comprise the territories of the settlements in the individual municipality where members of the autochthonous Italian or Hungarian ethnic communities traditionally live. The area of the ethnically mixed territory is specified in the Statutes of the individual municipalities (Komac 2002b). In addition to the basic fundamental human rights they enjoy special rights guaranteed by the Constitution, first of all the right to have their minority languages considered as official languages.

The Slovene regime of protection of ethnic/ national minorities can in short be defined as a three-dimensional minority protection system (Žagar 2006: 20 and EURAC 2010):

1) A full-protection model: relatively complete legal protection of historic (autochthonous) national minorities⁶ – the Italian and Hungarian ones – that encompasses individual and collective minority protection; legal protection comprises constitutional provisions and

⁴ Resolution CM/ResCMN(2012)12 on the implementation of the Framework Convention for the Protection of National Minorities by Slovenia, part I a.

⁵ Although there are not universally accepted some objective criteria according to which it is possible to define autochthony of ethnic groups on a given territory, usually compactness of settlement and time criterion are taken into account. However, at least three generations have to pass before a community could be considered as autochthonous. See Minority Rights Group: *World Directory of Minorities*, Longman, London 1990.

⁶ In Slovenia, there are also other small autochthonous ethnic communities: that is the case of number of autochthonous inhabitants of German language and Jews who live dispersed in the territory and do not establish a coherent community. Another minority, the Serb one, can be found in Bela Krajina. They can be considered 'sociologically' autochthonous, since their members have been residing on that territory of Slovenia for centuries, but not legally, since no constitutional or legislative protection is provided for them. Although it is disputed that German speakers in Slovenia actually constitute the German-speaking community, they are mentioned as such in the Cultural agreement between the Republic of Slovenia and Republic of Austria, 2001, art. 15. Since the majority of them live in Slovenia Kärntner, some of them describe themselves as autochthonous. Slovenia, however, explains that the same concept of the minority protection and special minority rights, based on the territorial concept of the protection of national minorities that is established for Italian and Hungarian minorities cannot be applied for the German speakers who live dispersed (Predan 2004).

over ninety laws and regulations relating to various spheres of minority existence;

2) A selective extending model: general constitutional provisions for the protection of the Roma community, complemented with provisions in legislation and specific policies regarding education, culture, local government, etc.;

3) A rudimental model: i.e. a model of the preservation of ethnic and cultural identity based on individual principle deriving from universal ethnic and cultural rights of individuals declared by the Constitution (Articles 61, 62), which can be employed for those considered as 'new ethnic minorities'.

The outlined model grants the Hungarian minority a free choice of affiliation (this means the membership is largely a matter of personal choice and that no one can be forced to identify with a special ethnic community); a dual political subjectivity, which is seen in the dual voting right of their members; positive protection including a special fund reserved for the preservation and development of its economic foundations.

3.1 Obligations stemming from International Agreements regarding minority rights

The main sources of the country's obligations towards the Hungarian minority derive mainly from international treaties and internal provisions, whereas minority remains still weak in the EU system, which has failed in elevating strict basic rules to primary EU law (Pan, Pfeil 2004).

The Slovene Constitution prescribes supremacy of international law. All major instruments in the field of protection of minorities have been ratified by Slovenia and the country is bound to protect national minorities by several bilateral and multilateral agreements. In particular it has concluded special agreements with Hungary.

The main bilateral documents which define its content are the Agreement on Friendship and Cooperation between the Republic of Slovenia and the Republic of Hungary and the Special Bilateral Agreement (Convention on the Providing Special Rights of the Slovenian Ethnic Minority in the Republic of Hungary and the Hungarian Ethnic Community in the Republic of Slovenia).

Slovenia is also bound by multilateral agreements. It ratified the Framework Convention for the Protection of National Minorities in 1998 and the European Charter for Regional or Minority Languages in 2000. In occasion of the ratification of the former, Slovenia submitted a declaration stating: '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 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' (Council of Europe 1999).

3.2 Constitutional provisions

The Slovenian Constitution provides extensive special rights for the Hungarian and Italian minority, ranging from political participation to the right to exercise their own cultural, linguistic and educational affairs. According to article 64 of the Constitution, only Italian and Hungarian minorities are guaranteed the right to own and use symbols freely, education and schooling in their own languages, to foster economic and cultural activities

as well as activities associated with the mass media (par.1), to establish autonomous organizations (par.2), to be directly represented at the local level and in the National Assembly (par.3) and to self-administration (par.4).

In addition, par. 5 contains the provision that regulations and other legislative enactments, which exclusively affect the status and the rights of these communities, may not be enacted without the consent of their representatives (Slovenian Constitution 1991). The pillars of the Slovene minority protection regime are the system of collective rights and the concept of ethnic mixed territory⁷.

3.3 Education

The legal basis for the right of the autochthonous Italian and Hungarian national minorities 'to education and schooling in their own languages, as well as the right to plan and develop their own *curricula*' is laid down in Art. 64 par.1 of the Constitution of Slovenia.

In the ethnic mixed areas, members of national communities are guaranteed education in their mother tongue from pre-school education to completed secondary education. Though, Slovenia has developed two different models of education.

In the case of Hungarian minority, bilingual education has been introduced for all children: the students of both nationalities attend classes together and the classes are held in parallel in both languages⁸. In this way, the fact that the members of a majority nation will learn the minority language is guaranteed. If children from the minority communities, after finishing primary school, enrol at a secondary school outside the ethnically mixed area, their further education in native language is not any more guaranteed.

Slovenia has set high standards in the field of minority right to education, as the special rapporteur of the European Council wrote already in 1996 referring to the bilingual system: 'the Slovenian system of education in the ethnically mixed areas is unique. It is of great interest not only because it enables total implementation of minority rights in accordance with international standards, but also because of the manner in which these rights are implemented' (Council of Europe 1996: 94).

The two models of education in the ethnically mixed areas are valid for all levels and types of education except for university education. There are also some possibilities for the members of Hungarian minorities to be taught in their language outside ethnically mixed areas; the conditions are the following: it must be a secondary school; the minority language is an optional subject and at least five students must participate in the classes.

3.4 Use of minority language

In the model of protecting ethnic national minorities, the right to use and preserve the minority language is an essential one. In the Slovene model, everybody can use his mother tongue and shall be entitled to freely identify with his national grouping or autochthonous ethnic community (art 61 Const.). In those areas where autochthonous

⁷ That means five municipalities for the Hungarian minority.

⁸ According to the General Instructions and Goals for Work in Bilingual Primary Schools, all subjects during the first level of primary education (first four years) are taught bilingually, with pupils using bilingual textbooks. On the second level (fifth to eight grade) the treatment of topics is in Slovene, while their broadening, consolidation and analysis with notes on terminology are in Hungarian.

Hungarian national community resides, Hungarian is an official language and it has the same status as the Slovene (art 11 Const.).

The right to use one's language and script is furthermore extended by granting right to each person to use them in such manner as determined by statute in areas inhabited by autochthonous minority (article 62 Const.). In the ethnically mixed territories, State bodies and other juridical public bodies have the obligation of bilingualism, as far as administrative *iter*a concerns, according to art. 62.2, 62.3, 62.4 and 62.5 of the Law on the General Administrative Procedure and article 4.2 and 4.3 of the Law on State administration. In such municipalities, the Hungarian minority enjoys extensive language rights.

The local and the State administration, public enterprises and all public agencies in those ethnically mixed areas as well as judicial authorities⁹ have to operate bilingually. Also Article 4(1) of the Public Administration Act prescribes, that the official language in administration shall be Slovene and according to art. 5 Law on Court, "in the territories in which the autochthonous Italian and Hungarian national communities live, the business of the court shall be conducted and be available as well as in the minority language if a party who lives in that territory uses such a minority language". The statute of the municipality and other acts shall be translated into the language of the minority and published in both languages. Assemblies of citizens, public events and manifestations and other events in ethnically mixed areas shall be performed in the minority language (EURAC 2010: 23). All topographic names of settlements, streets and buildings shall be written in both languages, the Slovene name has to be written above and the language of the minority below and both names shall be of the same size. Also official forms, identity cards, notices and inscriptions by enterprises, craftsmen and self - employed persons shall be bilingual. All personal documents shall be bilingual or trilingual. The persons belonging to the minority can use names and surnames in the original form. (CEI 2004: 202).

It is foreseen an increase of basic salaries for those administrative posts that require the knowledge of a minority language: by ordinance it is regulated that the salary increases of 6% in case of active knowledge and of 3% in case of passive knowledge of the language of the national community.

However some deficiencies have to be underlined. In particular, bilingualism is not present, partially or totally, in the ethnically mixed zones in the following domains:¹⁰

- *Municipalities*: notices for invitation to tender are not published in the minority language, deliberations and certificates are translated only on request.

- *Administrative units*: most of modules are not bilingual and ministries, government bodies and public enterprises adopt acts, with few exceptions, only in Slovene. The following units work only in Slovene: the Ministries of Agriculture and Defence, the Public Fund managing agricultural lands, port authorities, the Health Protection Agency, the Post Agency, the Ministry of Internal Affairs and police, public organizations in the field of education, including the Popular University, the Geodetic Administration, etc.

⁹ The Law on Courts (Official Gazette RS, no. 19/94) art. 5.

¹⁰ These criticisms are present in *Memorandum sulla comunità nazionale italiana*, n. Pr. 56/ 2009 but have been confirmed by Hungarian representatives too.

- *E-government*: the acquisition of the digital signature is usually possible only in Slovene,

- *Administration of justice*: notifications are usually only in Slovene, certificates and other acts of the court are translated only on request.

- *Commercial communications and consumer protection*: enterprises working on the mixed territory do not provide documents in the minority language.

The common underlying problem is a lack of training of specialised staff to deal and communicate in the minority language. According to the Advisory Committee on the Framework Convention for the protection of National Minorities¹¹, worrying shortcomings subsist in practice. The use of Hungarian with local authorities does not seem to raise problems, although difficulties have been reported when addressing state administration in the minority language. The Advisory Committee noticed that there is a persisting lack of bilingual civil servants and that the administrative documents are not always available in Hungarian¹².

3.5 Political participation and political representation

Participation of Slovenia's national minorities in political arena is rather comprehensive and may be observed at least under three perspectives: representation in elected bodies; participation in decision-making process and political autonomy.

First of all, the electoral law ensures the Hungarian national minority two seats in the National Assembly and political representation at the local level. Decisions, which concern those national communities, cannot be taken without their agreement. The members of the minority are therefore given a double voting right: one vote they cast for the election of representatives, equally to all other Slovene citizens, and one for the election of the representative of their community. In the areas where they live, they have the right to at least one representative in the municipal council. It is worth mentioning that, during the last national and local elections, voters belonging to the majority elected additional candidates from ethnic minorities, which were enrolled on regular candidate lists. This testifies the high degree of social integration between the ethnic communities in Slovenia (Plostajner 2002: 4).

Beyond their autonomous competencies, the national minorities have the right to co-determination with regard to the questions related to this status. According to article 64 par. 5, laws concerning strictly minority matters 'cannot be adopted without the consent of ethnic communities' representatives'. In this respect, they can make proposals to the authorities which are obliged to request their opinion and even bound to ask for their consensus in matters that are of particular relevance for them. For this purpose, the government has established one commission in order to deal with them. The Hungarian community can enjoy the veto right through their representatives at the National Assembly.

The Hungarian national community also has the right to self-governing political institutions, whose establishment was enacted by article 64 par. 2 in Constitution. These are called Self-Governing Ethnic Communities. Based on the constitutional provision, a special Law on Self-Governing Ethnic Communities was adopted in 1994. They are

¹¹ Second Opinion on Slovenia adopted on 26 May 2005, ACFC/INF/OP/II(2005)005, para. 78.

¹² Second Opinion on Slovenia adopted on 26 May 2005, ACFC/INF/OP/II(2005)005, para. 118.

recognized as bodies of public law and are established for the promotion of needs and interests of national minorities and for organized minority participation in public matters. These communities are elected by the members of the national community in direct elections. They enjoy cultural autonomy and also all those special rights are bound to the territory where they live. Their role is so important that no decision can be taken without their consensus, which indicates even certain elements of local autonomy (Komac 1999): they decide autonomously on matters within their competence, whereas on matters concerning the protection of special rights of ethnic communities they give their consent. They also submit proposals and opinions to the competent bodies and organize activities, which are financed by the State budget. Moreover, the self-governing ethnic communities have the right to cooperate with kin-nations and their states, with members of ethnic communities in other states and to participate in the preparation of interstate agreements relating to the status of ethnic communities and the protection of their rights.

3.6 Cultural life

In Article 64 par.1, the Constitution sets out more specific rights for the Italian and the Hungarian communities, such as the right to use their national symbols and, with the aim to preserve their national identity, the right to establish organizations and to foster cultural, scientific and research activities. The State encourages and financially supports the cultural creativity and the cultural heritage of the Italian and Hungarian minority and present-day cultural production is safeguarded in a similar manner as the cultural production of the majority.

In addition, the Ministry of Culture prepared a special programme for the national minorities, based on the principle of positive discrimination and, taking into consideration their special needs, an integrating programme, aimed at finding way for an appropriate integration of the minority cultures in the culture of the national majority.

Article 64 par. 1 of the Constitution guarantees the right of autochthonous Italian and Hungarian national communities to establish their own organizations, which are mostly established on the basis of private law.

Cultural associations have an integrating role both within the majority society and with the kin-State. The Hungarian community disposes of an umbrella institution, the 'Institute for the Culture of the Hungarian Ethnic Minority' coordinating more than twenty associations. It is also possible to find minority protection provisions in the field of cultural heritage in several specific laws: For instance, according to the Law on Institutions, the self-governing ethnic community can establish a public institution in order to perform activities which are important for the realisation of the minority rights; the Law on Protection of Cultural Heritage includes also the promotion of the Hungarian cultural heritage; the Law on Librarianship allows library activities provided by the Hungarian minority.

3.7 Information and the media

The Constitution (article 39 par.1) guarantees the freedom of expression, of thought, the freedom of speech and the freedom of press. Additionally (article 64), the Hungarian minority can fulfil its information needs through the press, radio and television. According to the Radio and Television Corporation of Slovenia Act, public service shall provide the

creation of one radio and television channel for broadcasting for the autochthonous Italian and Hungarian ethnic communities. For the Hungarian ethnic community, programmes in Hungarian are provided by the regional radio which started to broadcast in Hungarian since 1958. In 1978 the TV station started to broadcast programs in Hungarian. The management unit for Hungarian programming is located in Lendava. The radio and TV station in the Hungarian language function as a part of the State radio and TV station but the head office of radio and television programming management enjoys high autonomy (Plostajner 2004: 7).

With law on Mass Media (article 3 par.1), the State takes the pledge to support the development of non-commercial public media intended for informing the Hungarian community; institutions founded by self-governing ethnic communities can register for the publishing of printed media and other forms of mass communication and for the creating, producing and broadcasting of radio and TV programmes (article 40 par.5); also, a self-governing ethnic community may import Hungarian media for its own use (art. 67 par.3).

The programmes in both languages are part of the national broadcasting programmes and must be broadcasted in at least 90% of the area inhabited by the community. The Hungarian minority can autonomously decide on the content of those programmes and have their representatives in the Programme Board, the management body of RTV Slovenia.

In spite of benefiting from the same legal provisions, the Italian minority radio and television are significantly larger than their Hungarian counterparts, both in terms of programs length and work force. The gap between the two minorities' media is in fact rooted in degree of assimilation as well as the status of the language. It is apparent that in Slovenia, the minority media scene, and especially that of electronic media, reflects the different degree of recognition and institutionalization of minority rights (Gosselin 2003). Radio MMR broadcasts about 13 hours per day in Hungarian and Lendava Studio Programme only 30 minutes four times a week.

The Hungarian minority is also guaranteed the publication of newspapers and magazines in their own language, which are co-financed by the State budget (see for example *Neipujšag*, *Naptar* and *Muratai*).

In 2005, the Advisory Committee on the Framework Convention for the protection of National Minorities also noted that, despite the launching of the radio and television studio in Lendava, the situation of Hungarians as regards broadcasting time and resources, equipment and staff, does not correspond to their needs¹³. The situation improved during the last few years, but RTV Slovenia recently decided to reduce its contributions to Italian and Hungarian broadcasting 2012 by approximately 10%.

4. Evaluation of the Hungarian minority legal protection

The Council of Europe has established that the protection of minorities in Slovenia is quite exemplary, and that, compared with the European Union, it offers an even higher level of standards in the field of minority rights as one of the most important human

¹³ Third opinion on Slovenia adopted on 31th March 2011, ACFC/OP/III(2011)003, para. 100.

rights segments. The Hungarian national community in Slovenia is beneficiary of very considerable public protection and assistance, which is particularly evident in the field of political participation and representation.

However, in spite of good practices, some weak points can be underlined in the model. In many cases there exists a lack of co-ordination among the relevant public authorities, both at the central and local levels, leading to confusion in the application of existing legislation. In the ethnically mixed regions, the Hungarians report problems in the practical application of the legislation concerning the use of language, above all in sphere of public administration. In particular, they complain about the lack of translation into minority languages of important official documents and tools such as notifications, certificates, notices for invitations to tender, modules, digital signatures etc.

According to dr. Attila Kovacs¹⁴, researcher and representative of the Hungarian minority, 'both indigenous minorities in Slovenia, Hungary and the Italians, are very well protected by the law'. Nevertheless, he notes, 'the E.U. enlargement to the east did not imply a significant improvement of the situation: it lead to certain positive steps, but it is difficult to break decades of entrenched prejudice towards minorities. Moreover, the economic crisis that is present throughout Europe is likely to affect minorities'.

According to two other Hungarian interviewees¹⁵ the Slovenian minority protection model has essentially two advantages: the fact that national minorities have been listed in the Constitution and the fact that minority rights are precisely geographically defined, in this way, the rules are clearly laid down for the players. They also point out that the bilingual education model - despite many critics - offers fairly good protection for the minority. The Hungarian minority is also well protected in the field of culture and media, as well as in politics – enjoying a double right to vote in parliamentary elections, funding for minority self-government, etc...

By contrast, all interviewees point out that one of the major problems is found in the lack of legal sanctions in case of non-application of laws on bilingualism. An aspect to be implemented is the funding for minority self-government, as Kovacs stated, 'currently, the State money intended for the Hungarian self-government shall be paid to municipalities; then the mayors, on the basis of their claims and minority interests, decide how much money will be credited to minority self-government'. A surveillance mechanism is lacking. In fact, it may happen that municipalities try to use less and less resources for minority claims.

5. Survey and results

Between the end of 2011 and the beginning of 2012, a small-scale field research was carried out among Hungarians by the author, with the help of a structured questionnaire aiming at identifying the perception of the level of protection for each of the previously analysed fields. The goal was to find out possible discrepancies between the protection of ethnic minorities as enacted and framed in the government policies and legal system and the perception of the members of the minority itself. The sample consists of 50 cases

¹⁴ Interview with Dr. Attila Kovacs 15/09/2011.

¹⁵ The interviewees, who are representatives of the Hungarian minority, wanted to remain anonymous

and the chosen methodology is chain-referral; accessing the Hungarian minority through probability sampling provided in fact very low response rates, in spite of the guarantee of anonymity of the questionnaire. Snowball methods usually do not demand to have scientific accuracy but, if biases are limited, they can however provide an interesting portrait of social phenomena.

For this reason, initial subjects have to be chosen very carefully in order to limit biases. Initial subjects of the chain were also chosen among experts in the field, teachers, researchers, representatives of national minorities, etc. The subjects identified for the present research further indicated to the researcher other subjects to interview (fulfilling the required criteria, i.e.: being a member of the Hungarian autochthonous community, residing in the territorially mixed area and being involved, in broad sense, in the field of minority protection).

All interviewed people belong to or work within the following institutions of the national community: Radio Television Slovenia, Hungarian Programs; Institute for the Information Activity of the Hungarian community; bilingual schools and kindergartens; association of teachers of bilingual schools and kindergartens; Hungarian self-governing ethnic community.

It is therefore necessary to underline that the population of reference is constituted by 'qualified witnesses' and the results of the research cannot necessarily be generalized and extended to the whole Hungarian community in Slovenia. Nevertheless, for reasons of clarity and conciseness, the interviewed will be generally referred to as 'the Hungarians' or 'Hungarian minority members'.

The survey was conducted in the five Hungarian autochthonous settlements of Prekmurje, where they are mostly concentrated. Respondents are constituted 52% by women and 48% by men, most of whom have primary or lower secondary school degree, covering all age groups. Respondents are balanced as far as age groups regards. Most of respondents have lower secondary school degree, but it is also possible to find a relevant percentage of people with higher education degrees. The main results will be briefly presented with the help of graphic solutions. About 45% of respondents perceive to have equal rights within the society, whereas the rest of sample is almost equally divided between the feeling of having fewer rights and more rights than ethnically Slovenes have.

Regarding the comparison with other minorities, things are considerably different in the case of a comparison with the Italian community and with the Roma community. The vast majority perceives to enjoy the same minority rights as Italians do, although a relevant number perceives the status of Hungarians as worse than the one of the Italians. This perception seems to match the reality, although the Italian and Hungarian national minorities formally have the same rights, informally a lower status is still associated with the Hungarians, which is visible in the media system and partly in the different school system.

With respect to Roma, the majority of Hungarians perceives to have more rights, but the percentage of those who think to have equal rights does not differ much. It therefore emerges that Hungarians do not feel as much protected as they think Italians are and they also feel little distance with the Roma.

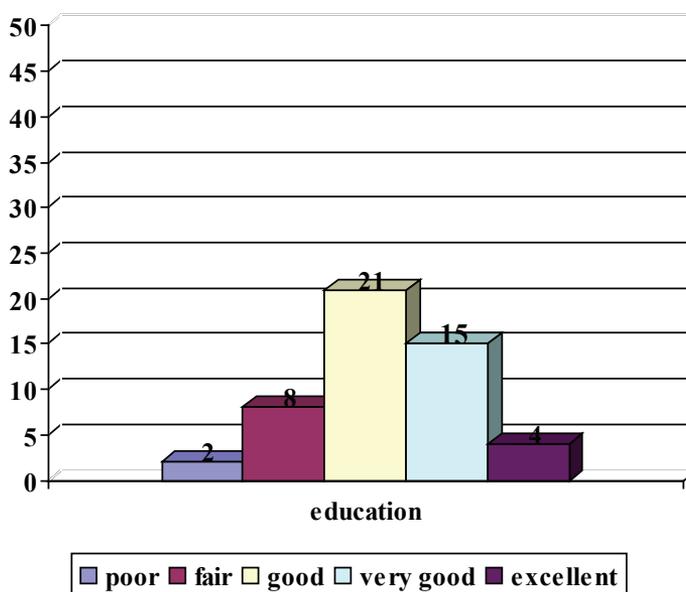
Almost all interviewed Hungarians are aware of the special rights they enjoy as a national minority and only 4% of them are not sure about the existence of minority rights.

The following questions of the questionnaire represent the core of the work and pertain to specific perceived protection in different fields, which have already been considered at the theoretical level and are summarized as following: education, use of language, political participation and representation, cultural life, information and the media, cross-border cooperation.

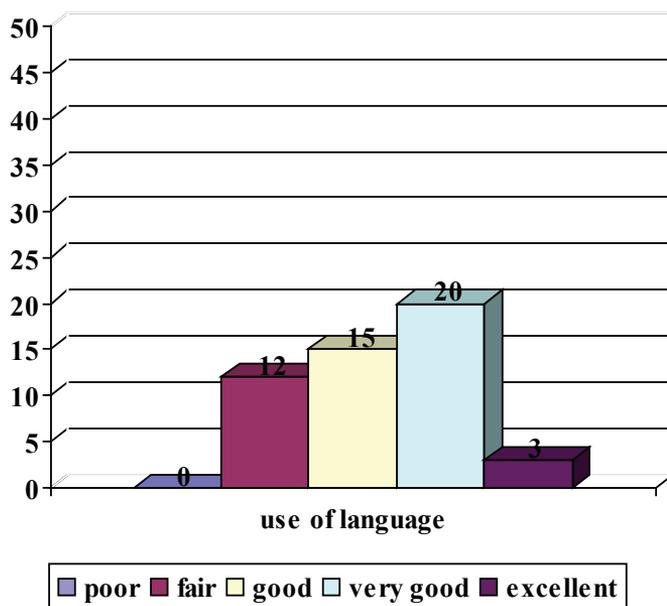
The most appreciated protection appears to be in the field of cultural life; it is deemed to be very good or excellent by approximately 85% of respondents. But also the fields of information and the media is considered very well developed, being ranked as very good or excellent by almost 80% of respondents.

The other fields, education, use of language and political participation seem to be less appreciated, but they are, with some little differences, considered on average as 'good', with a relevant percentage of respondents considering them even as very good or excellent: 36% on the case of education, 40% in the case of political participation and 44% in the case of use of language.

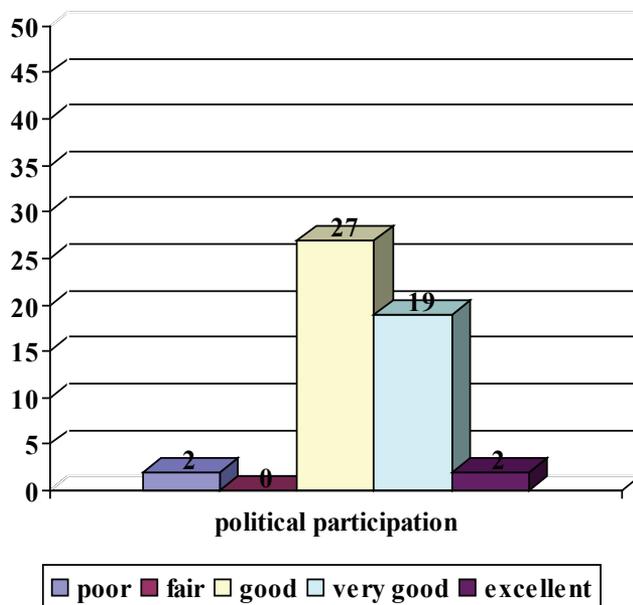
Graph n. 1: perceived protection in the field 'education'



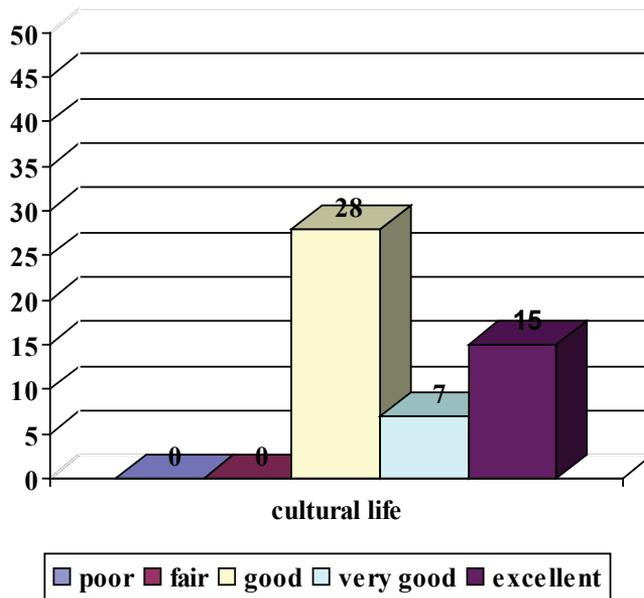
Graph n. 2: use of minority language



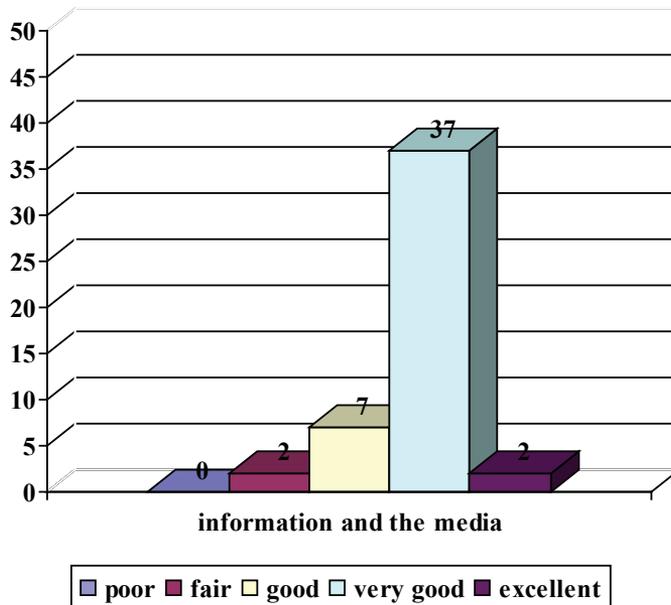
Graph n. 3: perceived protection in the field 'political participation'



Graph n. 4: perceived protection in the field 'cultural life'



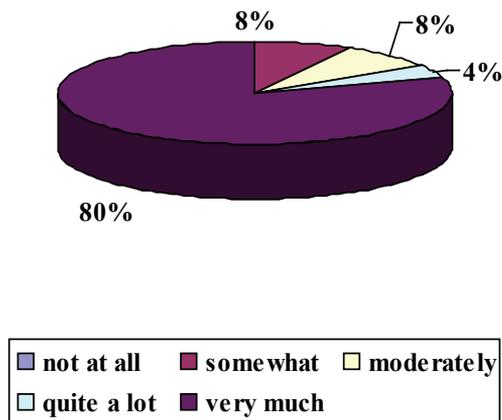
Graph n. 5: perceived protection in the field 'information and the media'



Over 90% of Hungarians state to have received bilingual education, and among them nearly 60% received it at school. The fact that a relative low percentage of respondents decided to enrol in a bilingual school confirms the high degree of assimilation which Hungarians underwent during the 20th century.

Nevertheless the language is more alive than one could imagine, in fact over 80% of respondents make large use of their minority language with family and friends. This is also confirmed by the fact that 98% of Hungarians state to have a good knowledge of standard Hungarian.

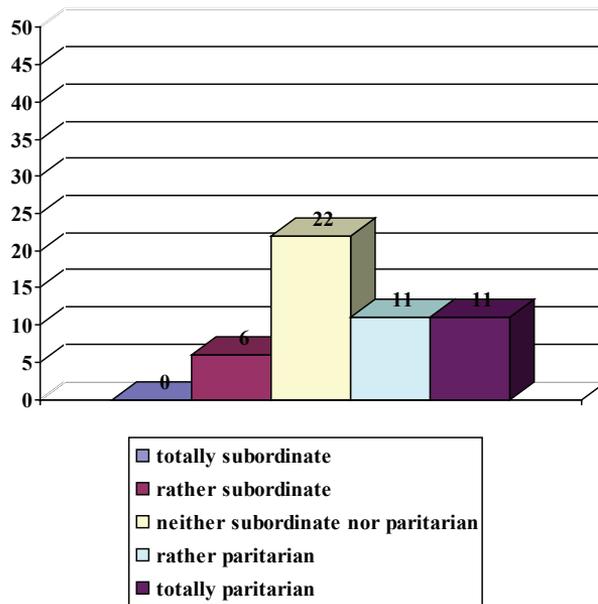
Graph n. 6: use of minority language in everyday life (private domains)



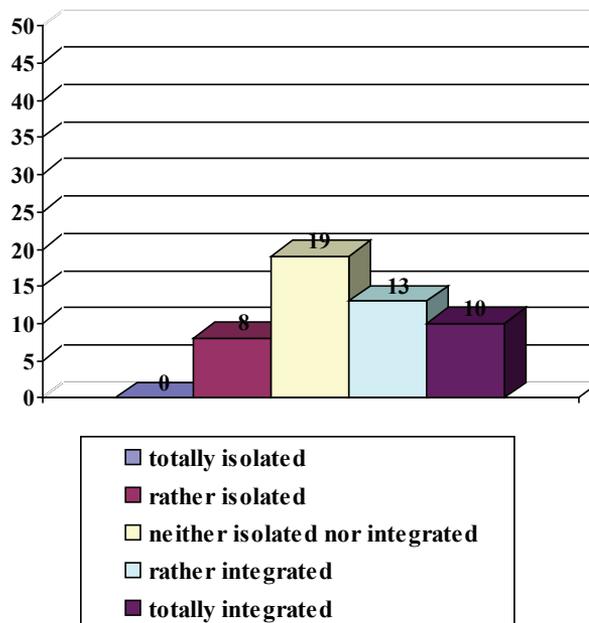
In spite of this, the free use of the minority language in the contacts with public administration should not be taken for granted: around 80% feels free to use it virtually without restrictions, whilst some 20% 'denounces' several limitations in its use.

In order to evaluate the perceived position of the minority within the majority society from the minority perspective, we have used a semantic differential type scale, asking respondents to place themselves on a position from 1 to 5 with reference to different issues pertaining to their perceived status. The categories refer to equality and integration under different perspectives. Hungarians seem not to feel a huge social gap with the majority society: 45% of them regard their status similar to the majority and nobody perceives to have a subordinate status. According to the minority itself, the Hungarians appear to be quite integrated within the majority society: 46% feels rather integrated or very integrated, whilst nobody underlines a situation of isolation and only some 15% considers integration as insufficient.

Graph n. 7: parity – subordination



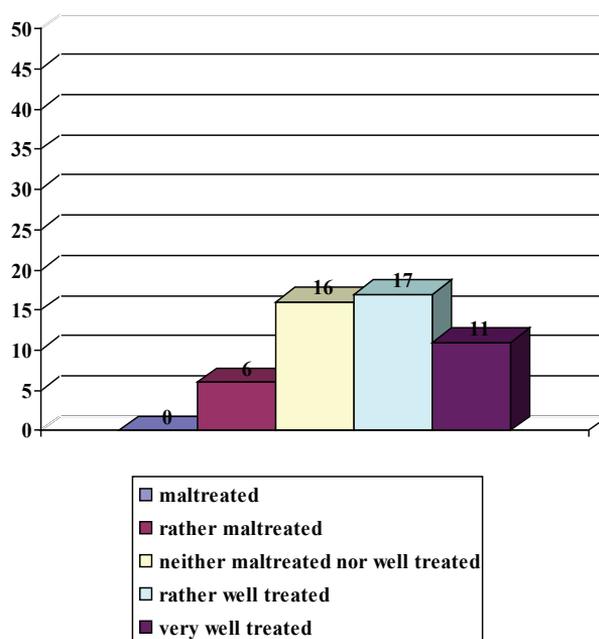
Graph n. 8: integration - isolation



Passing to the following couple of questions, over 55% of people consider to be quite well or very well treated, in terms of minority protection in general. Also in this case, nobody considers that his/her minority is maltreated and only a relatively small percentage (around 12%) evaluates as not being very well treated.

With the last question we intended to investigate not so much the feeling of integration, but rather the feeling of cohesion with the majority society. If the feeling of integration is generally based on an evaluation of several indicators, which depend to great extent on governmental policies, the feeling of cohesion implies a more immediate consideration on the belonging to the society the individual and the minority lives in. The dichotomy cohesion – segregation wanted to be more extreme than the one integration – isolation in order to detect some possible feeling of ‘extreme’ marginalization.

Graph n. 9: good treatment – maltreatment



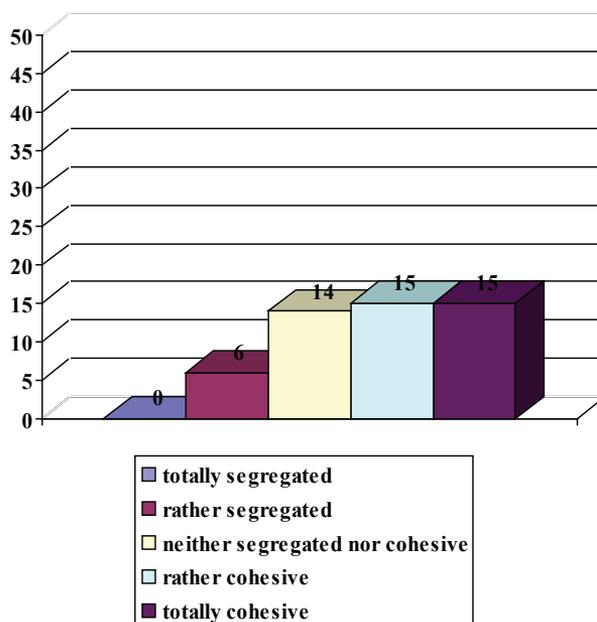
Taking into account the last dichotomy, the positive scenario is confirmed: the majority of interviewed Hungarians, i.e. 60%, see their minority as quite or very cohesive with the majority society, and segregation feelings are almost totally absent (only about 12% of respondents feel ‘rather segregated’, which constitutes a rather low percentage when a minority is taken into an account).

No big gap results between the legal and the social dimension of protection: overall, they appear to feel both quite well protected and quite well integrated in the Slovene system and the relationship with the majority also appears to be rather good, in spite of

the emerging of a more neutral position regarding the integration feelings.

When asked the open question, several people underlined that the minority protection system is quite advanced but at the same time some of them underlined the problem of assimilation, which emerge, for example, from bilingual education at school. This problem had already been noticed in the analysis concerning the theoretical level. Other issues underlined by respondents are some deficiencies in the possibility of using the minority language with public officers and the lack of job.

Graph n. 10: cohesion - segregation



6. Evaluation of empirical results

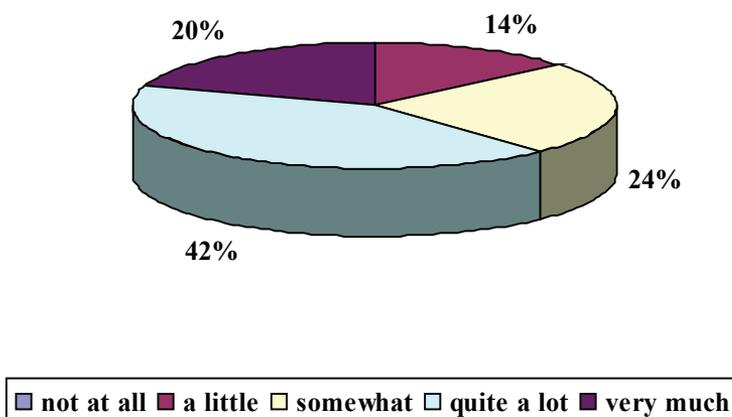
The salient results that emerged from the present survey are basically four.

- Hungarians feel overall well protected by the Slovene system of minority protection: three over five define it as very good or excellent.
- In spite of this, the analysis reveals that the majority of them perceive to be granted fewer rights than Italians are.
- Minority protection is considered at least fair in all fields. The fields of 'cultural life' and 'information and the media' are the most appreciated. By contrast, the field of education is considered to be the least brilliant one, in spite of the existence of bilingual school in every single ethnically mixed area.
- Results show that the majority of Hungarians feel similar with the majority society, integrated in and cohesive with the majority society.

7. Conclusions

The analysis of existing standards has showed that Slovenia has established a rather good protection system towards the Hungarian territorial minority. After having analysed the questionnaires, this statement can be to great extent confirmed: most of the fields are considered as good or very good, even those in which the analysis of policies shows some deficiencies, e.g. the field of 'information and the media' and 'use of minority language'. Lastly, we asked the 'qualified witnesses' about their overall feeling of protection. As we can see, 62% of respondents feel well or very well protected, which leaves margins for optimism.

Graph n.11: overall feeling of protection



Best practices towards the Hungarian minority in Slovenia can be detected by the rich legislation in the field of Hungarian minority protection, incorporated in or backed by numerous programmes, strategies and resolutions in different social areas. They are, to great extent, confirmed by the empirical results regarding the perception of protection and the feeling of integration by the part of Hungarian minority members, with one only specification – the slight gap between the 'answers' given to the legal (the five fields of protection) and to the social dimensions of protection (integration- parity- cohesion etc.) should lead to the conclusion that the overall feeling of protection is not just given by the comprehensiveness of legal provisions, but also, and above all, by elements which are more closely linked with a human/social dimension including the relationship with the majority, the status within the society, the perceived attention and importance given to minority issues by the State.

References

- *Advisory Committee on the Framework Convention for the protection of National Minorities* (2005), Second Opinion on Slovenia adopted on 26 May 2005, ACFC/INF/OP/II(2005)005;
- *Advisory Committee on the Framework Convention for the protection of National Minorities* (2011), Third Opinion on Slovenia adopted on 31 March 2011, ACFC/OP/III(2011)003;
- Barborini, C (1997), *Società globale e relazioni transfrontaliere: il caso della Comunità di Lavoro Alpe-Adria*, Master's thesis, Trento;
- CEI (2004), *Minorities and the Central European Initiative: on occasion of the 10th Anniversary of the CEI Instrument for the Protection of Minority Rights (1994-2004)*, CEI Executive Secretariat: Slovenian CEI Presidency;
- *Constitution of the Republic of Slovenia*, Ljubljana 1991.
- Council of Europe (1992), *European Charter for Regional or Minority Languages*, Council of Europe Publishing, Strasbourg;
- Council of Europe (1996), *A programme of case studies concerning the inclusion of minorities as factors of cultural policy and action. Bilingual education in Slovenia*, Council of Europe Publishing, Strasbourg;
- Council of Europe (1999), *Framework Convention for the Protection of National Minorities: collected texts*, Council of Europe Publishing, Strasbourg;
- Council of Europe (2004), *Filling the frame*, Council of Europe Publishing, Strasbourg;
- Eberhardt, P. (2003), *Ethnic groups and population changes in twentieth-century Central-Eastern Europe: history, data and analysis*, Armonk; London: M.E. Sharpe;
- European Commission (2001), *Regular Report on Slovenia's Progress Towards Accession*, Brussels, 13 November 2001, SEC(2001) 1755, 21;
- EURAC, *Practice of Minority Protection in Central Europe, Legal-theoretical part*, Slovenia, (2010) available at http://www.eurac.edu/en/research/institutes/imr/Documents/LCS_Slovenia_2.pdf
- Eurostat figures, available at <http://www.epp.eurostat.ec.europa.eu> (accessed on 10.01.2012);
- First report submitted by the Republic Slovenia pursuant to article 25, part of the *Framework Convention for the Protection of National Minorities* ACFC/SR (2000)004;
- Gosselin, T. (2003), *Minority media in Hungary and Slovenia: a comparative assessment*, research paper presented for the Peace Institute Fellowship Program, Ljubljana;
- Jesih, B. and Klemencic, J.(1994), *Ethnic minorities in Slovenia*. Ljubljana;
- Institute for Ethnic Studies and Information Bureau - Government of the Republic of Slovenia.
- Jalusic, V. (2002) *Minority Protection in Slovenia: General Evaluation*, Peace Institute – Institute for Contemporary Social and Political Studies, Ljubljana, available at [http://www.mirovniinstitut.si/eng_html/publications/Minority.doc.;](http://www.mirovniinstitut.si/eng_html/publications/Minority.doc;)
- Interviews with minority representatives (2011 – 2012);

- Klemencic, M. and Župancic, Z. (2004), "The Effects of the Dissolution of Yugoslavia on the Minority Rights of Hungarian and Italian Minorities in the Post-Yugoslav States" in *Nationalities Papers*. Vol. 32. No. 4;
- Klopčič, V. and Stergar, J. (1994), *Ethnic Minorities in Slovenia*, Ljubljana, Institute for Ethnic Studies;
- Komac, M. (1999), *Protection of the ethnic communities in the Republic of Slovenia*, Institute for Ethnic Studies, Ljubljana;
- Komac, M. (2002a) 'Drets lingüístics i legislació, el cas d'Eslovènia', in VV.AA, *El Dret a la Diversitat Lingüística. Reflexions al voltant de l'Article 22 de la Carta dels Drets Fonamentals de la Unió Europea*, Col. CIEMEN-Drets Lingüístics, Barcelona, Ed. Mediterrània, pp. 97-111;
- Komac, M. (2002b) 'The protection of Ethnic Minorities in the Republic of Slovenia', in Polzer, M. Kalcina, L., Žagar, M., *Slovenia and European Standards for the Protection of National Minorities*, Information and Documentation Centre on the Council of Europe, Institute for Ethnic Studies, Ljubljana, Österreichisches Ost- und Südosteuropa. Institut, Wien;
- "Law on the financing of municipalities", *Official Gazette of the Republic of Slovenia* No. 80/94 and 56/98;
- "Law on self-governing ethnic communities", *Official Gazette of the Republic of Slovenia*, No. 65/94 and 56/98;
- *Memorandum sulla comunità nazionale italiana*, n. Pr. 56/ 2009.
- Minority Rights Group, *World Directory of Minorities*, Longman, London 1990;
- Minority Rights Group International, *World Directory of Minorities and Indigenous Peoples - Slovenia: Overview*, 2007, available at: <http://www.unhcr.org/refworld/docid/4954ce56c.html> (accessed 10.10.2011);
- Novak Lukanovic S. (2005), *Manjšine in čezmejno sodelovanje v prostoru Alpe-Jadran*, Alpe-Adria Working Community, Trento;
- Novak Lukanovic, S. (1999), *The Italian and Hungarian autochthonous ethnic communities and the Romany in the Republic of Slovenia*, GPRMO, Ljubljana;
- Open Society Institute (2002) *Minority protection in Slovenia. Monitoring the EU Accession Process: Minority Protection, (Volume 1), An Assessment of Special Policies in Candidate States*, available at: http://www.eumap.org/reports/2001/minority/sections/slovenia/minority_slovenia.pdf.
- Pan, C. and Pfeil, B. (2003), *National Minorities in Europe*, Ethnos, Vienna;
- Petricusic, A. (2004), 'Slovenian legislative system for minority protection', in *Noves SL. Revista de Sociolingüística*, available at <http://www.gen.cat/llengua/noves>, Autumn Edition.
- Plostajner, Z. (2002), 'Autochthonous and Newly-Formed Minorities: Two Different Approaches', in *National Minorities in South- East Europe*, FES, Zagreb;
- Rechel, B. (2009), *Minority rights in Central and Eastern Europe*, Routledge, London and New York;
- *Resolution CM/ResCMN(2012)12 on the implementation of the Framework Convention for the Protection of National Minorities by Slovenia.*;

- Šabec, K. (2007) *Regions, ethnic minorities and European integration: a case study of Italians in Slovenian Istria*. Available at: www.theslovenian.com/articles/sabec.htm, pp. 1–38.
- *Second report submitted by the Republic Slovenia pursuant to art.25 of the Framework Convention for the Protection of National Minorities ACFC/SR (2004)008;*
- *Third report submitted by the Republic Slovenia pursuant to art.25 of the Framework Convention for the Protection of National Minorities ACFC/SR (2010)007.*
- Žagar, M. et al. (2006), *The Aspect of Culture in the Social Inclusion of Ethnic Minorities. Evaluation of the Impact of Inclusion Policies under the Open Method of Co-ordination in the European Union: Assessing the Cultural Policies of Six Member States. Final Report: Slovenia, An Evaluation Project under the EU's Social Protection and Social Integration Policy*, October 2006, 39, available at http://www.ecmi-eu.org/fileadmin/media/download/Working_Paper_33_Slovenia.pdf.