



**UNIVERSITÀ DEGLI STUDI DI TRIESTE**



**INTERNATIONAL UNIVERSITY INSTITUTE FOR EUROPEAN STUDIES**

Sedi consorziate:

Università degli Studi di Trieste, Università degli Studi di Udine, Università di Cluj-Napoca, Università Eötvös Loránd di Budapest, Università di Klagenfurt, Università Jagellonica di Cracovia, Università Comenius di Bratislava, Università MGIMO di Mosca, l'Università di Nova Gorica e l'Istituto di Sociologia internazionale di Gorizia -ISIG.

XXIV CICLO DEL

DOTTORATO DI RICERCA IN

**POLITICHE TRANSFRONTALIERE PER LA VITA QUOTIDIANA**  
**TRANSBORDER POLICIES FOR DAILY LIFE**

**Minority protection in the E.U.: boundaries and strategies**  
**in the models of Slovenia and Sweden**  
**(A comparative evaluation)**

Settore scientifico-disciplinare: SPS/10

DOTTORANDA  
**SIGRID LIPOTT**

COORDINATORE  
**CHIAR.MO PROF. LUIGI PELLIZZONI**

FIRMA \_\_\_\_\_

RELATORE  
**CHIAR.MO PROF. GEORG MEYR**

FIRMA \_\_\_\_\_

CORRELATORE  
**CHIAR.MA PROF. ANNA MARIA BOILEAU**

FIRMA \_\_\_\_\_

**ANNO ACCADEMICO 2010 / 2011**

**© 2011 – Sigrid Lipott**

**All rights reserved**

## ACKNOWLEDGEMENTS

First of all, I would like to express my deep gratitude to the University of Trieste and to IUIES for providing me a scholarship during these three years of research and doctoral activities, giving me an excellent opportunity to dedicate to the study of a topic that has always been of particular interest to me and to carry out a field work abroad.

I am grateful to Prof. **Georg Meyr**, who accepted to be my mentor, approved my project, helped me with the organization of the work and supported me in becoming assistant.

I thank all the Professors I met during my Ph.D. in “Transborder Policies for the daily life” in Gorizia and in particular to its coordinator Professor **Luigi Pellizzoni** and previous coordinator Professor **Alberto Gasparini**, as without his teachings a relevant part of this thesis may have not been successfully accomplished, and to Prof. **Anna Maria Boileau** who gave precious help in order to clear up the methodology process.

Last but not least I have to convey a special thank to all professors, public officers and experts who helped me during my time spent in Slovenia and Sweden, both through professional suggestions and through concrete collaboration to the good outcome of the research. I will list them here according to alphabetical order.

Dr. **Rosario Ali Taikon**, Romani magazine E Romani Glinda.

Prof. **Lars Dencik**, Professor of Social Psychology, Roskilde University.

Dr. **Stefan Mikaelsson**, Chairman of the Plenary Assembly of the Sami Parliament

Dr. **Tina Friedreich**, representative of the Roma community in Slovenia.

Dr. **Myrelle Gyllenback**, project manager assistant, Roma Cultural Centre in Stockholm.

Prof. **Leena Huss**, Hugo Valentine Centre, Uppsala University.

Dr. **Domino Kai**, development officer at the Equality Ombudsman in Stockholm.

Prof. Dr. **Miran Komac**, former Director of the Institute for Ethnic Studies in Ljubljana.

Dr. **Larisa Lacatus**, Roma Cultural Centre in Stockholm.

Dr. **Lars Lindgren**, principal analyst at the Discrimination Ombudsman and currently working at the Living History Forum within the mission based on the report Roma rights – a strategy for Roma in Sweden (SOU 2010: 55).

Prof. Dr. **Sonja Lukanovic**, present Director of the Institute of Ethnic Studies in Ljubljana.

Dr. **Mojca Medvesek**, researcher at the Institute for Ethnic Studies in Ljubljana.

Dr. **Maja Mella**, Director of operations, Svenska Tornedalingars Riksförbund-Tornionlaaksolaiset.

Prof. Dr. **Hans- Ingvar Roth**, Professor at the faculty of Education at Stockholm University.

Dr. **Maurizio Tremul**, president of Italian Union.

## **LIST OF ABBREVIATIONS**

CoE	Council of Europe
CSCE	Organization for Security and Co-operation in Europe
EBLUL	European Bureau for Lesser Used Languages
EC	European Community
ECHR	European Convention for Human Rights
EU	European Union
FCMN	Framework Convention for the Protection of National Minorities
OSCE	Conference on Security and Co-operation in Europe
SR	Social Republic
TEC	Treaty Establishing the European Community
UN	United Nations

## TABLE OF CONTENTS

<b><u>ACKNOWLEDGEMENTS</u></b>	3
<b><u>ABBREVIATIONS</u></b>	5
<b><u>INTRODUCTION</u></b>	10

### **PART I**

#### **THEORETICAL FRAMEWORK**

<b><u>INTRODUCTION TO PART I</u></b>	17
--------------------------------------	----

#### **CHAPTER I**

##### **PRELIMINARY QUESTIONS: DEFINING AND ADDRESSING ETHNIC MINORITIES**

1.1 - The concepts of minority and ethnicity	18
1.2 - Anthropological and sociological perspectives on ethnicity	25
1.3 - Origin of ethnic minorities	28
1.4 - Types of ethnic minorities	30
1.4.1 - The case of Roma transnational minority	35
1.4.2 - The meaning of <i>ethnos</i> in Northern and Central- Eastern Europe	39
1.5 - Types of majority- minority policy	41
1.5.1 - Assimilation	42
1.5.2 - Pluralism	44
1.5.3 - Population transfer	45
1.5.4 - Continued subjugation and extermination	47
1.5.5 - Legal protection	48
1.6 - Towards an almost legal definition of ethnic minority	50

#### **CHAPTER II**

##### **MINORITY RIGHTS STANDARDS IN EUROPE**

2.1 - The international protection of minorities: from the origins until the Cold War	56
2.2 - Instruments of minority protection after 1989	60
2.2.1 - In the framework of OCSE	63
2.2.2 - In the framework of the Council of Europe	71
2.2.3 - In the framework of the E.U.	74
2.3 - Existing standards of minority protection in Europe	80

## **PART II**

### **EVALUATION OF MINORITY RIGHTS IN SLOVENIA AND SWEDEN**

#### **INTRODUCTION TO PART II**

85

#### **CHAPTER III**

##### **MINORITY PROTECTION IN SLOVENIA**

3.1-	Ethnic structure of Slovenia	86
3.2-	Ethnic minorities in Slovenia	93
3.2.1	- The Italians	96
3.2.2	- The Hungarians	101
3.2.3	- The Roma	103
3.3-	Minority policies	110
3.3.1	- Under Yugoslavia regime	110
3.3.2	- After the independence of 1991	111
3.3.3	- In the wake of the E.U. accession	112
3.3.4	- Latest tendencies	113
3.4 -	Legal protection of ethnic minorities	115
3.4.1	- Application of international agreements	117
3.4.2	- Constitutional provisions	118
3.4.3	- Education	120
3.4.3	- Use of language	122
3.4.5	- Political participation and representation	125
3.4.6	- Cultural life	127
3.4.7	- Information and the media	128
3.4.8	- Cross – border cooperation	130
3.5 -	Conclusions	131

#### **CHAPTER IV**

##### **MINORITY PROTECTION IN SWEDEN**

4.1-	Ethnic structure of Sweden	139
4.2-	Ethnic minorities in Sweden	145
4.2.1	- The Sami	146
4.2.2	- The Finns	148
4.2.3	- The Tornedalen Finns	150
4.2.4	- The Jews	152
4.2.5	- The Roma	153
4.2.6	- The Finland Swedes	156
4.3-	Minority policies	158
4.3.1	- The assimilation policy from 1870 to 1935	158
4.3.2	- Towards integrated pluralism after Second World War	160
4.3.3	- In the wake of the E.U. accession	162
4.3.4	- 1999- 2009: an official recognition	163
4.3.5	- A new strategy since 2010	165

4.4-	Legal protection of ethnic minorities	168
4.4.1	- Application of international agreements	174
4.4.2	- Constitutional provisions	175
4.4.3	- Education	175
4.4.4	- Use of language	177
4.4.5	- Political participation and representation	178
4.4.6	- Cultural life	181
4.4.7	- Information and the media	182
4.4.8	- Cross – border cooperation	186
4.5-	Conclusions	192

### **PART III**

#### **ASSESSMENT OF THE PRACTICE OF MINORITY PROTECTION**

<b><u>INTRODUCTION TO PART III</u></b>	204
--	-----

#### **CHAPTER V**

##### **COMPARATIVE EVALUATION**

5.1 -	Comparative assessment of minority protection in Slovenia and Sweden	205
5.1.1	- A different starting point...	205
5.1.2	- ...leading to some similarities	207
5.1.3	- The understanding of “national minority”	209
5.1.4	- Educational system	210
5.1.5	- Use of language	211
5.1.6	- Political participation and representation	212
5.1.7	- Cultural life	212
5.1.8	- Information and the media	213
5.1.9	- Cross – border cooperation	214
5.1.10	- Provisional conclusions	215

#### **CHAPTER VI**

##### **CASE- STUDIES AND SURVEY**

6.1 -	Aim of the empirical research	219
6.2 -	Sampling method	220
6.3 -	Presentation of the questionnaire	222
6.4 -	Collection of results	226
6.5 -	Analysis of results	228
6.5.1	- The Hungarian locally concentrated minority in Slovenia	228
6.5.2	- The Romany transnational minority in Slovenia	241



6.5.3 - The Tornedalian locally concentrated minority in Sweden	254
6.5.4 - The Romany transnational minority in Sweden	268
6.6 - Community membership feelings	282
6.7 - Final evaluation	286

<b><u>CONCLUSIONS</u></b>	287
---------------------------	-----

## **APPENDICES**

Appendix 1 - Questionnaire in English language	295
Appendix 2 - Questionnaire in Hungarian language	300
Appendix 3 - Questionnaire in Slovene language	306
Appendix 4 - Questionnaire in Swedish language	311
Appendix 5 - Example of questionnaire cover letter	317

<b><u>BIBLIOGRAPHY</u></b>	318
----------------------------	-----

<b><u>SITOGRAPHY</u></b>	325
--------------------------	-----

## INTRODUCTION

When we consider the patterns international relations in Europe are developing along, we must recognize that they cannot be appreciated only on the basis of inter-State relations. Nation-States are facing profound transformations under the pressure of broader powers, both at sub and at supra-national levels. In the framework of The European Union and of the different structures of the European States, new actors are playing, with proficient results, on the stage: federates entities, transnational groups, regions, Länder, provinces, municipalities and, last but not least, ethnic minorities.<sup>1</sup>

The minority question, or in other words the situation and rights of minorities, is closely linked to the universal principles of human rights, to democracy, peace, development, stability and the pluralism of cultural and political development in the modern world. The question of ethnic minorities is therefore connected to with fundamental determinants pertaining to the existence of individuals, groups and communities. Sometimes the minority question is regarded as a relic from the past, as a reactionary reflection of nationalism and ethnic exclusiveness, or still as an obsolete approach toward human beings, amounting to another limiting factor in human universality.<sup>2</sup> On the other hand insistence on cultural and linguistic diversity enables us to recognize how these diversities link into the whole, thus shaping European identity.

Shared historical experience, in which clashes, but also mutual attractions have derived from diversities of language, religion, value systems and ethnic awareness or adherence, provides content for two processes; integration and disintegration. These run in parallel, either stimulated or discouraged, depending on the dominant forces and options for a particular political moment. In these processes, the coexistence of majorities and minorities has a fundamental significance, essential for the future shape of Europe. A lot depends on the positive outcome of this coexistence: not only internal stability of the individual countries that make up the common whole of Europe but also the way in which Europe's joint shape crystallizes from the relationship between the member States.

---

<sup>1</sup> See G. Conetti, *International and transfrontier relations*, ISIG magazine, December 2004.

<sup>2</sup> For a deepening on the role of ethnic minorities see R. Scartezzini, *Elementi di Sociologia delle Relazioni Internazionali*, ed. Carocci, Roma 2000, chapter 3.

On these premises, I am going to carry out a comparative and interdisciplinary study dealing with minority rights issues. I will take into account the situation of minority protection in Slovenia and in Sweden, giving special attention to their respective border areas. I will mainly make a policy analysis but attention to some legal aspects will be also given. Disciplinary fields I will touch comprise sociology, political science and European law.

I chose Slovenia and Sweden as a focus of my research because of some similarities which may be found in relation with minority issues. In spite of their experience of recent migrations, they can be considered as two historically relatively homogeneous states both of which experience a low degree of interethnic tensions (even though it has not always been so, as we shall see).

Thanks to their strongly social systems, they in fact developed a system of minority protection which, in some aspects, at least on the paper, goes even beyond E.U. existing standards; among them, the right to information and the right to public education in the mother tongue of minorities- which in most of countries lack legal basis or are simply not applied- are well assured. Moreover, their national minorities have intense relations with the neighbouring mother state. And last but not least they both include the Roma/ Gypsy among their territorial minorities, creating also for them legal prerequisites for the non-discrimination of the members and formal equality for all the legal aspects.

Both countries chose a model of integration of their minorities which has resulted quite effective, especially after the latest improvements. Though, in both countries, even though in different manners, it is still possible to notice a hierarchy of treatment of different kind of minorities, where some fall behind the others in spite of their demands (and recognition) of autochthony.

Sweden, for example, did that by excluding ethnic groups that were already present in the country and by denying substantial language rights to those national minorities whose languages were deemed to be non territorial ones, whilst Slovenia did that by introducing a difference between those groups who enjoy single or dual political subjectivity and by breaking the in- group unity of Roma.

The most recent developments and adoption of regional minority rights documents and institutions have provided many minority groups in Europe with a unique opportunity to self- organize with support in the rights- based approach. However, the attribution of cohesion to national minorities within discourse of international law and human rights leads to a representation of struggles over minority rights as merely dyadic, involving competing claims between the State and the national minorities. Instead, the “landscape” of the national

minorities' claims can be fluid and situational. Ethnic boundaries, in this sense, should not be seen just as the complex of minority differences but also as differences created by the "politics of recognition" in the praiseworthy effort to open up the previously narrow legal – political space devoted to "minority diversity".

In other words, the different types of minoritization chosen for different minorities, and deriving from the fragmentation between different actors with different agendas, can some times lead to a more or less explicit hierarchy among minorities which leads to new boundaries among a) national minorities, b) national minorities and other minorities, c) different subgroups of the same minority. Some of the main factors creating reasons for such hierarchy are, for example, the imprecise or limited definition of ethnically mixed areas/minority administrative areas, the extension of language rights and the provision for primary and secondary education in minority languages.

I have been confirmed by experts of both countries that a research on this topic is much needed and that it has been lacking since a long time. In particular, a survey on the Roma's protection is something rather innovative; researches in this field are very rare, (especially in Sweden where no official data are available regarding the ethnic affiliation), partly due to the difficulty to get in contact with a hidden population through a relational chain which presupposes getting to know Roma settlements, finding the right key informants and gaining their trust, partly due to the high percentage of illiterate people among Roma and their traditional mistrust towards questionnaires and interviews. However, the suspicion regards more researches conducted by the government and official institutions which some time have a certain interest in presenting the questionnaires and the results under a particular perspective, whilst it has been noticed that Roma minority is more open and collaborative when it comes to give a contribute to a more personal and small scale research.

In Slovenia, some researches have been carried out – mostly by the IES - on the situation of Roma, though they concentrate more on their living conditions rather than on their perception of protection.

I have also chosen to analyse these two countries out of personal reasons and interests. My interest in the field of minority research traces back to two main sources. Firstly, I was born in an ethnically mixed area and I also come from a family with different backgrounds, sometimes living on the territory as minorities themselves. Secondly, I have lived for some time both in Slovenia and Sweden, where I have been studying, doing internships, working and participating at various events; in both countries I came in contact with and studied minority issues, I noticed some innovative provisions in their legislations

and decided to start a comparative analysis and evaluation, within the framework of European integration in minority protection even though it is by no means an easy task given the inherent differences of history, territory, social fabric and application of the European legal documents in the field of minority protection. Last but not least, a very well knowledge of English and a basic knowledge of Slovene and Swedish have been important in order to find the right key informants for the field work and to have access to more reserved documents.

The relevant information and data for this analysis and evaluation were compiled by the use of the different methods: analysis of the relevant literature, analysis of legislation, analysis of the statistics, review of the existing studies and projects, informal discussions and interviews with researchers and qualified witnesses. Extensive field trips between 2010 and 2011 have also been relevant in collecting data.

It is worth to be mentioned that existing literature on minority protection is relatively poor, especially in Sweden, and almost totally lacking in English. Accordingly, existing laws have been one of the primary sources; therefore, large use of European reports and discussions with experts was made in order to complete the theoretical part.

As the content regards, my thesis can be roughly divided into three main parts. The content is interdisciplinary, although prevalent subjects are sociology of international relations, history of international relations and European law.

The first part aims to provide a theoretical framework on minority issues and their protection. I will first illustrate some definitions of ethnic minority and national minority taken from the literature and international *fora* as well as some related key arguments present in debates, such as the origin, the nature and the different manifestation of this phenomenon. The difference of perception of the concept *ethnos* in Central European and Western - North European world will be mentioned. The aim of the first chapter is to provide an almost legal definition to be used as a guide line in the analysis. It will be underlined that minority protection is only an empty concept in absence of a clear and universally or regionally accepted definition.

In the second chapter I will focus on the protection of minorities in Europe in historical perspective, taking into an account four main phases of development: from the peace of Augsburg until World War I; the period between the wars; after World War II until 1989; after 1990. The main documents elaborated within the Council of Europe, the OSCE and the European Union will be analysed, in order to get to point out some existing standards generally recognized by E.U. members even though differently applied.

In the second part, the core of my work, I will extensively deal with the protection of

territorial minorities in Slovenia and Sweden, giving an overview on the ethnic structure of the country, on the main features of the minorities and on the governmental policies pursued since the last century. The content of the chapters will be enriched by the contribute of some minorities' representatives who accepted to be interviewed.

In the third and last part, I will summarize the main characteristics of these two systems in a comparative key. Later on, I will present the results of a small field research dealing with the practice of minority protection in these two countries. The survey will be limited to two minorities for each country: one minority which enjoys the status of autochthonous in both countries, i.e. the Roma; and two minorities, the Tornedalian - Finnish one in Sweden and the Hungarian one in Slovenia, which present some common characteristics – first of all being a border minority - and appear therefore comparable. I tried to identify the perception of protection by submitting some structured questionnaires to the members of these minorities through a snowball method, in order to find out any discrepancy between the policy goals and the every day life level and compare the level of protection not only on theoretical but also on practical base.

Unfortunately, it was not possible to collect a sufficient number of answers from all the protected minorities present in the countries due to the serious difficulties encountered in order to find initial subjects who may be willing to cooperate and to the very low response rate. Some difficulties have been encountered also with regard to above mentioned minorities, i.e. the Roma, the Hungarians in Slovenia and the Tornedalian- Finnish in Sweden; however, they have shown a more collaborative spirit with regard to the present research.



**PART I**

**THEORETICAL FRAMEWORK**



## **INTRODUCTION TO PART I**

The first part of the work is intended to provide a theoretical framework regarding the “phenomenon” minorities. Several topics will be discussed taking into an account with a multidisciplinary approach. Sources include the most important books and reviews in the minority field. The concept of minority will be analysed through different perspectives; in particular, the importance of terminology will be stressed by underlying the difference among ethnic, linguistic and national minorities and its possible impact on minority policies. Moreover, the meaning of *ethnos* will be analysed and the different types of minorities will be described.

We will see how the principle of legal protection of minorities is nowadays generally recognized in Europe, even though other historical types of majority – minority policies are in some cases still applied.

In the second chapter existing E.U. and European standards of minority protection, will be presented by mentioning the main international and regional documents. Three main European domains will be analysed: the Council of Europe framework, the OSCE framework and the E.U. framework.

The target of this part is not only to present a review of the existing international literature on the topic, but also to achieve, through critical thinking, to a possible legal definition of ethnic and national minorities to serve as a basis for the implementation of minority policies and to underline the need for such definition at national, cross- border and international level. Capotorti’s definition appears to serve best in this regard.

## **CHAPTER I**

### **PRELIMINARY QUESTIONS: DEFINING AND ADDRESSING ETHNIC MINORITIES**

#### **1.1- The concepts of minority and ethnicity**

Throughout history, people have organized themselves into groups in order to optimize the realization of their common interests. Originally, the elementary requirements for survival were of prime importance; subsequently, the focus shifted to the possibilities of self-realization within the framework of a common culture and mode of communication.

There are unique elements in the history of every minority group, but a few general principles are involved. Since a minority is a group of people that can be distinguished by a quantity of objective social dimensions, it follows that anything which makes a population more heterogeneous may create a minority situation. The kind of heterogeneity depends upon national, cultural, religious, behavioural and racial ideologies – in other words on the characteristics of the majority, those with the greatest power and highest status.

Discussions on the concept of minority have usually been organized around some disciplinary specializations: ethnology and anthropology, for the analysis and description of cultural differences; political and legal studies, for the discussion of discrimination and the vindication and defence of civil rights; social psychology and sociology, where the objects of analysis are systems of ethnic differentiation, social systems in which ethnic groups are per se socially relevant elements of differentiation and interaction.

In spite of the different approaches, it is possible to find some main “ingredients” for an objective definition of a minority group as such. Implicit in and common to all the above-mentioned orientations are five basic assumptions:<sup>1</sup>

- ★ a minority is a social group;
- ★ this group has a certain degree of stability and integration;
- ★ it is in a socially subordinate position;

---

<sup>1</sup> See A.M. Boileau, B. De Marchi, *Boundaries and Minorities in Western Europe*, Franco Angeli Editore, Milano 1982, p. 10.

- ★ it therefore suffers from power imbalance;
- ★ the group differs from other groups in the social system at least in one more feature besides power.

In brief, a minority is usually defined as a group which is different from the dominant society in which it is inserted in one or more dimensions and is discriminated from the socio - economic and political point of view.

According to a classic definition developed by Wagley and Harris<sup>2</sup> a minority can be generally defined through four primary properties:

- 1) minorities are subordinate segments of complex State societies;
- 2) minorities have special traits which are generally held in low esteem by the dominant segment of the society;
- 3) minorities are self- conscious units bound together by the special traits which their members share and by the special disabilities which these bring;
- 4) membership in a minority is transmitted by a rule of descent which is capable of affiliating succeeding generations even in the absence of readily apparent special traits.

Kloss<sup>3</sup> has developed a more general paradigm of minorities: according to him, the term minority can be referred to at least five elements:

- *ethnos* (ethnicity)
- *bios* (sex)
- *logos* (language)
- *demos* (class)
- *nomos* (faith).

What we are interested in, here, is the ethnic dimension. The word “ethnic” derives from the Greek word *ethnikos*: there is however a wide divergence of opinion among scholars regarding the meaning and interpretation of the term “ethnic group” or “ethnic minority”. For some it refers to a small community with archaic characteristics, whereas for others the term

---

<sup>2</sup> See C. Wagley, M. Harris, *Minorities in the New World*, Columbia University Press, 1958.

<sup>3</sup> See H. Kloss, *Grundfragen der Ethnopolitik im 20 Jahrhundert*, Braunmuller, Wien 1969.

refers both to small and large communities also in advanced industrialized ones. Guillemain<sup>4</sup> defines an ethnic group as a historically formed community, relatively stable over time, which presents a “general spirit”, habits and lifestyles and common language and which have only of accidental relations with the political function.

The political usage of the term is restricted primarily to a quasi national kind of minority group within the State, which has somehow not achieved the status of a nation. In this sense, an ethnic group is distinct from a nation. While a nation is a broader and more inclusive concept and can be defined culturally (cultural basis) as well as politically (political basis), an ethnic group is smaller and more exclusive, and is confined in membership to those who share certain common attributes.

The definition of ethnic minorities encompasses both concepts regarding the term of minority (group, power, subordination, etc.) and concepts of ethnicity (cultural differences, values, behaviours, tradition, common history, territory, etc.).<sup>5</sup>

A further distinction can be made between ethnic group/minority and national minority: a minority is designated as national only if it shares its cultural identity with larger community that forms a national majority elsewhere. National minorities in this sense are the Italians in Slovenia, the Finns in Sweden, etc. In common language they are also referred to as ethnic minorities, even though this terms refers more precisely to persons belonging to those communities which do not make up the majority population in any state and also do not form their own nation state anywhere, such as a major number of people in Eastern Europe, the Roma, the Tornedalen Finns, etc.

That said, there is a great variety of terms in the languages and legislation of the European countries, it is therefore not easy to use only one term in a representative manner. In research and debate on minority protection various terms are commonly used with different connotations but rarely in a congruent manner. The use of one term or another to refer to the same phenomenon is strictly linked to the:

- political culture;
- degree of centralization of the state;
- political willingness;

---

<sup>4</sup> See B. Guillemain, *Les fondements de l'éthologie collective: abstraits fondamentaux pour l'ethnopsychologie*, in “Ethnopsychologie”, n. 2-3, 1974.

<sup>5</sup> See A. Boileau, R. Strassoldo E. Sussi, *Temi di Sociologia delle Relazioni Etniche*, ISIG 1992.

- historical attitude towards minorities;
- acceptance of the concept of cultural diversity within the society;
- type, origin and features of the ethnic minorities within the country.

According to two authors<sup>6</sup>, the central element of an ethnic group, whether national or not, is the development of a common socio-cultural model, which is the result of a long interaction in a common history, and the archetype of this model is a structure of shared values and memories. In this sense, the main features to define an ethnic group would be:

- ✓ language;
- ✓ territory;
- ✓ consciousness;
- ✓ organization.

These elements appear to be central in the definition of a “nation” as well; though, in the ethnic group language is less developed, territory and population are lesser, consciousness is weaker and the degree of organization is usually quite low. Moreover, language and somatic traits have much more relevance within the ethnic group.

Language is often used as the first defining criterion for minorities and this because language differences today are more immediately visible and more useful, in the political arena, as a shorthand device to highlight ethnicity and consciousness of it. It is also noteworthy that language rights are considered by any ethnic group as the most important among minority rights. In some European countries the term linguistic group or linguistic minority is also used in legal terminology referring to ethnic minorities. This is particularly true in those countries in which in the whole discussion there is nearly no reference to (indigenous) religious and caste related minorities.

G. Michaud proposes a matrix in which are present the main dimensions to define an ethnic group and a nation and the degree of presence.<sup>7</sup> We propose it here through a simplified table where:

---

<sup>6</sup> See L. Wirth, *The Problem of Minority Groups*, in R. Linton, *The Science of Man in the World Crisis*, Columbia University Press, New York 1945, A. Miroglio, *La region ethnique*, in “Revue de Psychologie des Peuples”, n. 4, 1969.

<sup>7</sup> See G. Michaud, *Un concept à définir: l’ethnie*, in *Ethnopsychologie*, n. 2-3, 1971.

- 1 indicates the presence of the dimension;
- 0 indicates the absence;
- (1) indicates a low/ intermediate degree.

**Table n. 1: differences between ethnic group and nation**

	<i>Ethnic group</i>	<i>Nation</i>
Somatic traits	(1)	0
Language	(1)	0
Norms	1	1
Political institutions	1	1
Socio- economic institutions	0	0
Education	1	1
Art- literature	1	1
Philosophy	1	1
Religion	1	1
Geography	1	1
History (territory)	1	1
Self- consciousness	1	1
Willingness to live	1	1

*Source:* Boileau, R. Strassoldo, E. Sussi, *Temi di Sociologia delle Relazioni Etniche*, ISIG 1992, p. 44

Scholarly disputes regarding primary and secondary dimensions defining ethnic groups show that such dimensions vary quantitatively. They can be present in high, medium or low degree or they can even be latent but without being absent.

The terms national, ethnic and linguistic minority are in the common language and in the political debate often used as synonyms, to address the same phenomenon. Nevertheless, they technically refer to different minority “situations” and the choice to use one term or another reflects a certain political will to deal with them in a certain manner. The following table presents a summary of the terminological differences.

**Table n. 2: differences between national, ethnic and linguistic minority**

<i>National minority</i>	<i>Ethnic minority</i>	<i>Linguistic minority</i>
<ul style="list-style-type: none"> <li>- definition related to the concept of nationality</li> <li>- in this sense it is a minority that could become a nation state</li> <li>- peculiarly European term: originally meant to apply to kin-state / kin- minority situations</li> <li>- its members have some essential characteristics in common and may live separate and apart from the majority among whom they live</li> <li>- the kin- state/ kin-minority relation is sufficient but not necessary to make a minority a national minority</li> <li>- it is likely to have particular interest in</li> </ul>	<ul style="list-style-type: none"> <li>- generally intended as <i>Volksgruppe</i></li> <li>- usually refers to those communities which do not have a kin-state across the border (and which do not form their own nation state anywhere, but not necessarily)</li> </ul>	<ul style="list-style-type: none"> <li>- groups speaking lesser used languages</li> <li>- sharing also other attributes (cultural heritage)</li> <li>- the term is often used as synonym of ethnic minority</li> <li>- it is also present in legal terminology referring to minorities (see Belgium, Switzerland, France)</li> <li>- it wants to reduce the differentiation of an ethnic group to language</li> </ul>

maintaining contacts with others across international borders		
---	--	--

We can therefore state that:

- ❖ a national minority is also an ethnic minority;
- ❖ a linguistic minority is also an ethnic minority;
- ❖ an ethnic minority can be a national minority;
- ❖ the definitions are not rigid but depend on legal terminology used in a given country;
- ❖ in the European reality there is nearly no reference to religious and caste related minorities, even though in some cases national character of a minority is derived from an identity construction based on religious issues too;
- ❖ the term linguistic minority is some time chosen for political reasons, but the differentiation of the group never pertains only to language;
- ❖ due to historical reasons, in European countries the term national minority is the dominant one while referring to ethnic communities in a minority position within a given state;
- ❖ most of European documents in the field of minority protection reflect this tradition and use the term national minority in a representative manner, though giving broad space to the national interpretation;
- ❖ in some cases, for formal reasons the term minority is replaced with the term group (national group, ethnic group, linguistic group,...) due to pejorative connotations of the former.<sup>8</sup>

---

<sup>8</sup> See T. Benedikter, *Legal instruments of minority protection in Europe*, Bolzano 2006, available on <http://www.gfbv.it/3dossier/eu-min/autonomy-eu.html>.



## 1.2 – Anthropological and sociological perspectives on ethnicity

Scholars are also divided in their opinion regarding the basis of ethnicity. For reasons of completeness I will present some of the main theories present in the literature. In general, it is possible to speak of four viewpoints: the objective, the subjective, the syncretist and the constructivist. For the objectivists, such as Geertz and Isaacs, ethnic identity is a given or natural phenomenon which human individuals are born and where every human infant or child finds itself a member of a kinship group and of a neighbourhood and therefore comes to share with the other members of the group certain common cultural attributes.<sup>9</sup>

The subjectivists, such as Glazer and Moynihan,<sup>10</sup> admit the importance of cultural markers in the manifestation of ethnic identity distinctiveness, define as a crucial determinant of ethnic identity selection and its persistence. The exact nature of these psychological feeling has different origins. Rex,<sup>11</sup> for example, argues that in psychological terms three things are important for group creation: first the emotional satisfaction that one gets from belonging to the group; second, a shared belief in a myth of origin or the history of the group, which sets the boundaries of the group. Finally, the members of the group must regard the social relations, within which they live, as sacred and as including not merely the living but the dead. Subjectivists, therefore, put more emphasis on the psychological aspect in the formation of ethnic boundaries and the development of us versus them feelings among a group of people.

For their part, the syncretists stress the complementarity of the two approaches. They define ethnicity as a “subjectively held sense of shared identity based on objective cultural or regional criteria”. The syncretists view ethnicity as a complex phenomenon comprising many components and, therefore, not reducible to a single- factor explanation.

Anthony Smith<sup>12</sup> exemplifies this approach when he examines six foundations of ethnic

---

<sup>9</sup> It is possible to find this view, for instance, in C. Geertz "The Politics of Meaning" in *The Interpretation of Cultures*, New York: Basic Books 1973 and "After the Revolution: The Fate of Nationalism in the New States," in *The Interpretation of Cultures*, New York: Basic Books 1973 and H. Isaacs, *Idols of the Tribe: Group Identity and Political Change*, Cambridge: Harvard University Press 1975.

<sup>10</sup> See N. Glazer, D. Moynihan, *Ethnicity: Theory and Experience*, Cambridge: Harvard University Press, 1975.

<sup>11</sup> See J. Rex, *Ethnic Minorities and the Modern Nation State*, London 1996.

<sup>12</sup> A. Smith, *Nationalism and Modernism. A critical survey of recent theories of nations and nationalism*, Routledge, London and New York 2000.

identity. First, an ethnic group must have a name in order to be recognized as a distinct community, both by its members and by outsiders. The other bases comprise a belief in or a myth of common ancestry, the presence of historical memories (as interpreted and diffused over generations by group members, often verbally) among members of the group, shared culture, attachment to a specific territory and a sense of common solidarity. According to Smith, in pre-modern times four factors favoured ethnic survival. The first was the acquisition of a particular piece of territory, which was felt to belong to a people as they belonged to it. Second, a history of struggle with various enemies not only led to a sense of community but also served as a source of inspiration for future generations. Third, the proximate cause of ethnic durability and survival was the rise and power of a myth of ethnic choosiness.

The constructivists categorically reject the notion that ethnic identity is a natural or given phenomenon. They contend that the concepts of ethnic identity and ethnic group are just social constructions- the product of specific historical and geographical forces rather than biologically given ideas whose meaning is dictated by nature. From the constructivist perspective, ethnic identity should be seen as the product of processes which are embedded in human actions and choices rather than as natural or given.

Barth<sup>13</sup> observed how the boundaries between two ethnic groups are maintained, even though their cultures might be indistinguishable and even though individuals and groups might switch from one side of the boundary to the other. Barth pioneered what later became known as “constructivism”: the claim that ethnicity is the product of a social process rather than a cultural given, made and remade rather than taken for granted, chosen depending on circumstances rather than ascribed through birth. In the following two decades, prolonged battles emerged between devotees of this constructivist perspective and adherents to older views that were more in line with Herderian notions of the binding power of ethnicity and culture.

Barth's focus is on the interconnectedness of ethnic identities: "categorical ethnic distinctions do not depend on an absence of mobility, contact and information, but do entail social processes of exclusion and incorporation whereby discrete categories are maintained *despite* changing participation and membership in the course of individual life histories."<sup>14</sup> Barth and other Manchester School anthropologists represent an attempt to break with earlier ethnicity paradigms. The core idea is that groups cannot exist in isolation but only in

---

<sup>13</sup> See F. Barth, *Ethnic Groups and Boundaries: The Social Organization of Culture Difference*, Allen & Unwin, London 1969.

contrast to other such groups and thereby the boundary does not bound something off from nothingness but rather it distinguishes between two or more somethings. The idea of choice or at least of variation in the expression of ethnic identity is what is generally known as situation ethnicity.

The debate has often been framed in dichotomous terms: “primordialism,” which underlined that ethnic membership was acquired through birth and thus represented a “given” characteristic of the social world, was pitted against “instrumentalism,” which maintained that individuals choose between various identities according to self-interest.

In contrast with theories developed by the Manchester school is perspective is the Soviet Ethos Theory developed in the same years by Yulian Bromley; the theory supports the position on ethnicity in one of the most strongly primordialist views: the theory proposes that a stable core of ethnicity, the *ethos* or *ethnikos*- intended as a historically formed community of people characterized by common, relatively stable cultural features, distinctive psychological traits and consciousness of their unity- persists through all social formations and manifests itself as an ethno-social organism which is affected by other factors such as the physical and economic environment.

Another influential writer who stressed the social construction of ethnic identity was Max Weber;<sup>15</sup> he viewed ethnic groups as human groups whose beliefs in a common ancestry is so strong that it leads to the creation of a community. Ethnic groups are therefore based more on beliefs and less on any objective cultural or biological traits. Weber concludes that ethnic membership by itself does not necessarily result in ethnic group formation but only provides the resources that may be mobilized into a group by appropriate political action, under certain circumstances.

According to Keyes,<sup>16</sup> ethnicity derives from a cultural construal of descent and he distinguishes between social descent and genetic descent. Social descent is a form of kin selection by which human beings seek to create solidarity with those whom they recognize as

---

<sup>14</sup> Ibid., p. 9.

<sup>15</sup> M. Weber defines an ethnic group as “those human groups that entertain a subjective belief in their common descent because of similarities of physical type or of customs or both, or because of memories of colonization and migration; this belief must be important for group formation; furthermore it does not matter whether an objective blood relationship exists”. See M. Weber, *Economy and Society* eds. Guenther Roth and Claus Wittich, trans. Ephraim Fischhof, vol. 2 Berkeley: University of California Press 1978, p. 389.

<sup>16</sup> See C. Keyes, “Towards a New Formulation of the Concept of Ethnic Group”, *Ethnicity*, 1976, 3(3): 202-13.

being of the same people or as sharing descent. Its formation depends upon the cultural construal of those characteristics that indicate who does or does not belong to the same people as oneself.

Though, ethnicity becomes a variable only if access to the means of production, means of expropriation of the products of labour or means of exchange between groups are determined by membership in groups defined in terms of non genealogical descent. At such moments, ethnicity can be a device as much as a focus for group mobilization by its leadership through the select use of ethnic symbols for socio-cultural and politico-economic purposes. Ethnic identity in this case would be the social and political creation of elites, who distort and sometimes fabricate materials from the cultures of the groups they wish to represent in order to gain advantage for their groups as well as for themselves.

As we can see, the most contentious issue between the primordialists and the social constructivists concerns the role of culture in the formation of ethnic identity. The primordialist viewpoint assigning primacy to culture in the formation of *ethnos* came under attack in the 1970s. Kuper, Glazer and Moynihan<sup>17</sup> argued that there is no necessary continuity or congruence, in time or space, between social groups and cultural practice. This analytical distinction between ethnicity per se and culture is now generally accepted by most social scientists.

### **1.3 - Origin of ethnic minorities**

According to Ernst Gellner the transition from traditional to modern society has a quality that could be called entropy. The structure of traditional society has a stable and group structure within which the movement of individual members is predictable and limited. In the modern society, as a result of the development of market economy and processes of political and cultural democratization, earlier groups are dissipated and largely replaced by social classes which show a tendency of random recruitment and a steady flow of upwardly mobile individuals. The nation as an imagined community becomes the group of primary importance, which crushes earlier group boundaries. The state is linked to the nation defined as a political and cultural community, maintained and reproduced by bureaucratic institutions such as the education system, academia and mass communication. That said, Gellner explains the origins

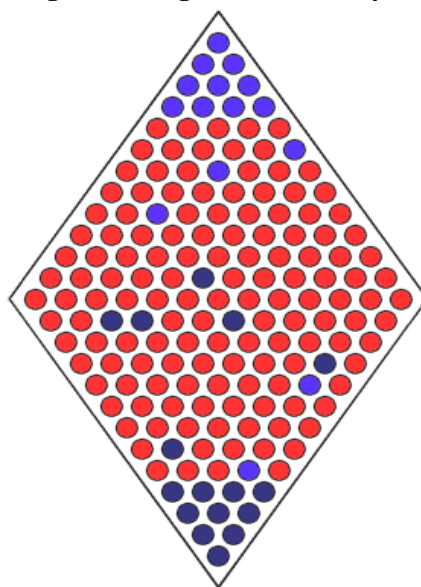
---

<sup>17</sup> See N. Glazer, D. Moynihan, *Ethnicity: Theory and Experience*, Cambridge: Harvard University Press 1976.

of minority groups with the help of a simple model:

*"Suppose a society contains a certain number of individuals who are, by an accident of heredity, pigmentationally blue, and suppose that, despite the passage of a number of generations since the initial establishment of the new economy, and the official promulgation and enforcement of a policy of la carrière ouverte aux talents, most blues stubbornly persist in occupying places either at the top, or at the bottom, of the society in question: in other words, the blues tend to capture either too many, or too few of the advantages available in this society. That would make blueness a social -entropy-resistant trait, in the sense intended."*<sup>18</sup>

**Figure 1: origin of a minority**



Source: E. Gellner, *Nations and Nationalism*, Blackwell, Oxford 1983, p.2.

Entropy –resistance can result in the formation of different types of minorities. The “blueness” can represent either nationality or ethnicity. The genesis of both ethnic and national minorities must be either way sought in the fact that territory, political authority, people and culture rarely coincide. Whether or not a minority situation would develop in a stable, isolated society starting from an original homogeneity one can only guess. It is possible that the internal struggle for the values of that society would result in some categorical system of rights and privileges.

However, the development of the nation- State as a system of socio-political organization has been the central fact in the origin of ethnic minorities; it requires the synthesis of one territory, one economic system, one language, one history and culture, within a system dominated by the principles of internal homogeneity and coincidence

---

<sup>18</sup> E. Gellner, *Nations and Nationalism*, Blackwell, Oxford 1983, p.2.

of borders.<sup>19</sup>

The artificiality of this model is particularly evident in border areas, where major cultural and linguistic groups meet each other or even merge each other. Both the spread of dominance over formerly separate groups and the common desire to create a homogeneous nation have created the minority-majority situation.

When different States are created in the same cultural and linguistic area, each of these States tends to promote and consolidate the local differentiation, raising to national language what was previously a dialect. Instead, when there is a coexistence of different linguistic groups within the same State territory, the situation frequently leads to the attempt of one of them to impose its language, its own culture, and others national traits on the others, which are subjected to processes of de-nazionalisation, discrimination, internal colonialism, assimilation, etc.

#### **1.4 - Types of ethnic minorities**

Important theoretical distinctions can be made between different types of minorities. The first and most relevant one concerns the relationship that such minorities have with the territory and can be divided into two kinds.

- Autochthonous minorities, also called indigenous, historical, traditional, or territorial minorities: these terms refer to communities whose members have a distinct language or culture compared to the rest of population; very often, they became minorities as a consequence of re-drawing of international borders; in other cases they are ethnic groups which did not achieve statehood of their own and instead form part of a larger country or several countries; in some cases they can might have migrated to the country very long time ago so that they are considered as territorial minorities. These minorities form a specific type of ethnic minority. It is not always easy to distinguish them from the majority population and it is not even easy to distinguish between an indigenous people and a group that recognizes itself as being native to a given territory. Historical minorities generally resist assimilation more strenuously, they have a deeper knowledge of the State they are living in and ask not only for equal treatment but also for guarantee of active participation in public life through various forms of autonomy. The scope of application of treaties and conventions pertaining minorities are usually applied to historical minorities.

- Allochthonous minorities, also called new or non- territorial minorities: these terms refer to groups formed by the decision of individuals and families to leave their original homeland and emigrate to another country for economic, political reasons or other; they consist of migrants and refugees including their descendants.

The distinction between these two types of minority can be some times relative, since in most of cases it depends on the time. Autochthonous minorities are those who have been living in a certain territory from “immemorial times”, whereas allochthonous minorities result from recent migration processes.

Of course, on the theoretical level, it is not possible to define a clear limit between these two situations. In principle, autochthonous groups can be defined as those living on a territory since quite some time so that it has been possible to experiment a mutual adaptation to the physical environment; that means that the territory has been moulded according to the structural and cultural models of the group (cultural influence) and that structural and cultural models have been to some extent moulded by the physical environment (ecological influence).

The dominance groups have tended to act as if the state society to which they belong ideally ought to consist of their own physical and cultural type. Heraud<sup>20</sup> gives though some concrete reference in order to distinguish between these two kinds of minorities: he suggests to refer to a detailed charter of languages at the end of the last period of stability, which is variable, but which, in the case of Europe, comprises a period between the 17<sup>th</sup> and 18<sup>th</sup> century. In this sense, allochthonous minorities are those stemming from the current migration flows of the last decades.

Taking into account the territory, another useful distinction can be made among three kinds of minorities:

- spread minorities;
- islands of minorities;
- border minorities.

---

<sup>19</sup> For a deepening see A. Boileau, R. Strassoldo, E. Sussi, *Temi di Sociologia delle Relazioni Etniche*, p. 3.

<sup>20</sup> See G. Heraud, *Popoli e lingue d'Europa*, Ferro, Milano 1966.

Border minorities are usually considered autochthonous or historical minorities, whereas spread minorities and island of minorities can be either autochthonous or allochthonous.

Spread minorities are the so called diasporas, they have neither stable and marked borders neither territorial contiguity; sometimes they even lack a mother land. Historical examples of these groups, who have been specifically singled out as outsiders, are the Roma and Jews in Europe. They are some times considered as autochthonous people in certain European countries, according to the time principle pointed out by Héraud.

Islands of minorities can be defined as relatively isolated communities who do not have a mother land or it is too far or it is however not a neighbouring State; these islands are often the result of migrations. These minorities can be considered as autochthonous according to the age of settlements. One example are the Molise Croats who migrated to Italy in the 15<sup>th</sup> century.

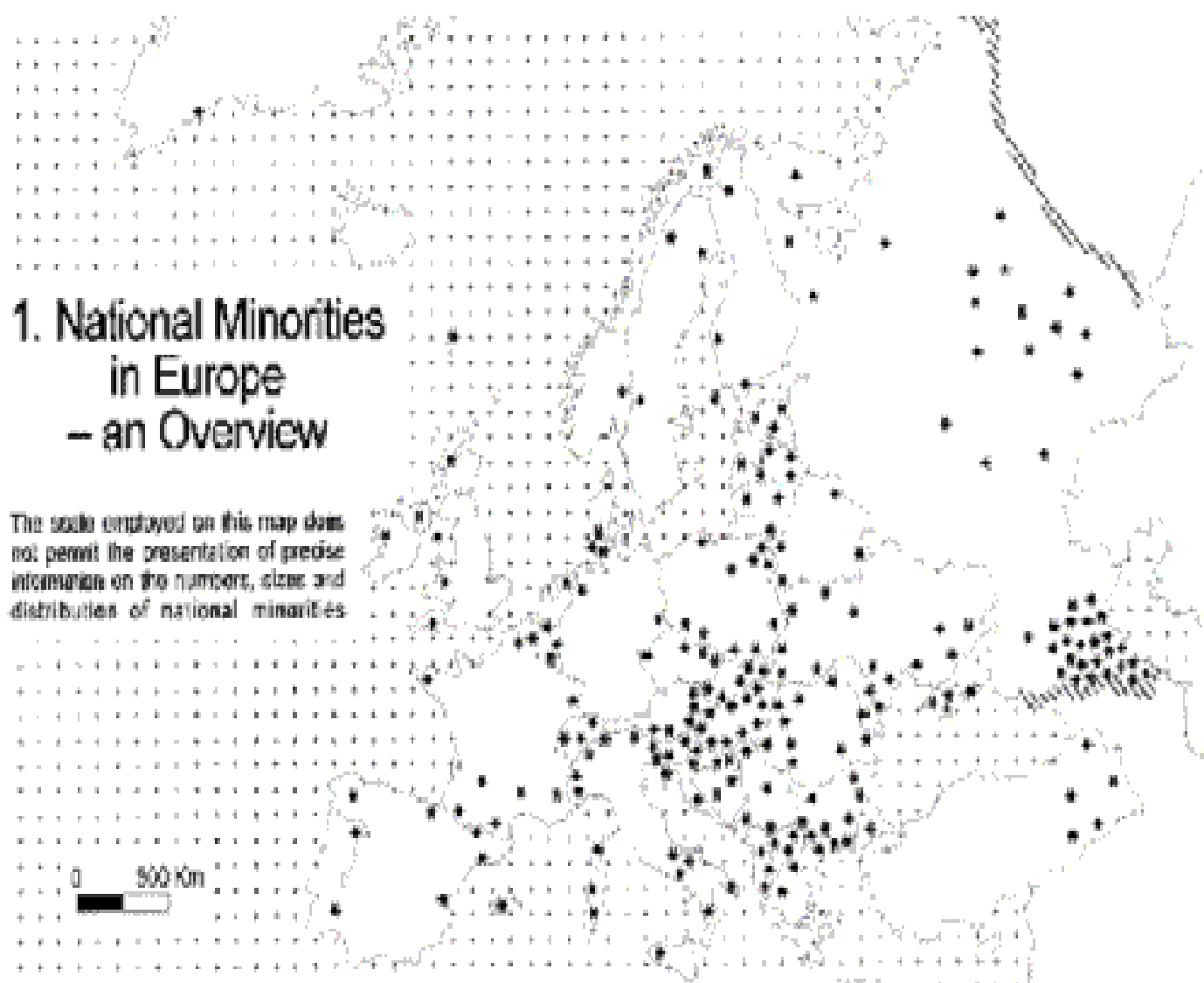
Border minorities are contiguous minorities stemming from the dynamics of a State frontier; historically, they are the most important ones and have the best chances to obtain particular protection and rights within a nation State and to survive through the maintenance of functional and cultural ties with the mother land.

However, when different States are created in the same cultural and linguistic area, each of these States tends to promote and consolidate the local differentiation, raising to national language what was previously a dialect. Instead, when there is a coexistence of different linguistic groups within the same State territory, the situation frequently leads to the attempt of one of them to impose its language, its own culture, and others national traits on the others, which are subjected to processes of de-nazionalisation, discrimination, internal colonialism, assimilation, etc.

The dominance groups have tended to act as if the state society to which they belong ideally ought to consist of their own physical and cultural type. I will now examine the various ways in which they have acted on this conviction. The following six policies of dominant groups are not, of course, mutually exclusive. Many may be practiced simultaneously. Some are conscious long-term plans; some are *ad hoc* adjustments to specific situations; some are the by-products of other policies. In some instances they are the official actions of majority groups leaders; in others they are day-by-day responses of individual members of the dominant group.



**Map n. 1: collocation of national minorities in Europe**



*Source: T. Benedikter, Legal instruments of minority protection in Europe- an overview, Eurac, Bozen 2006, p. 2.*

**Map n. 2 : historical minority and majority nations in Europe**



Source: <http://www.eurominority.eu>

#### *1.4.1 – The Romany transnational minority*

The Roma Community across Europe has been estimated to consist of more than ten million people: it is the biggest minority group in the EU. However, throughout Europe no precise data exist on the dimension of the Roma communities: in many countries, in fact, ethnic registration is forbidden while in others official statistics contain no information on ethnicity.

Roma people are one of the most heterogeneous minority groups in Europe. The group's heterogeneous nature encompasses a broad variety of settlement models and cultural, linguistic and religious diversity resulting in numerous sub- groups and fragmented collective identity. Nevertheless, the group that has proclaimed to be a unified non- territorial transnational nation. The things that the various groups have in common are of great importance and bind them together in their Romani identity. These are the language, awareness of common origin, similar values, traditions, cultures and experiences, all of which have made the Roma culturally indomitable in the face of all attempts to assimilate them. Their common language Romani, or É Romani chib/Romani, is related to Sanskrit and consists of some 60 dialects.

Across Europe the Roma experience greater social exclusion than the majority community, especially in accessing employment, education, health and social services: The Roma present high rates of illiteracy and poor school attendance of children.

The word Roma or Romanies also needs clarification. By that we mean all those individuals who identify themselves as Romanies as well as those groups of Romanies included in the minority policies of the States. The Council of Europe and OSCE recognize five main groups, which may be further divided into more subgroups. The exact number of all subgroups is still uncertain.

Virtually every E.U. country hosts Roma minorities (see table n. 3). Though, their legal status differs from country to country and also from group to group; it is worth noticing that a considerable part of the Roma population in the European member States does not even have any authorized legal status. Overall, most of E.U. countries recognize Roma among their ethnic minorities, recognized full rights as citizens and launched development plans aiming at their full integration into public life. Nevertheless, a lot of divergences still exist among national legislations.

**Table n. 3: presence of Roma in the E.U.**

<b>Country</b>	<b>Minimum</b>	<b>Maximum</b>
Austria	20,000	25,000
Belgium	10,000	15,000
Bulgaria	700,000	800,000
Cyprus	500	1,000
Czech Republic	250,000	300,000
Denmark	1,500	2,000
Estonia	1,000	1,500
Finland	7,000	9,000
France	280,000	340,000
Germany	110,000	130,000
Greece	160,000	200,000
Hungary	550,000	600,000
Ireland	22,000	28,000
Italy	90,000	110,000
Latvia	2,000	3,500
Lithuania	3,000	4,000
Luxembourg	100	150
Malta	?	?
Netherlands	35,000	40,000
Poland	50,000	60,000
Portugal	40,000	50,000
Romania	1,800,000	2,500,000
Slovakia	480,000	520,000
Slovenia	8,000	10,000
Spain	650,000	800,000
Sweden	15,000	20,000
United Kingdom	90,000	120,000

*Source:* data provided by the European Roma Rights Centre

The status of Roma is related to the period of migration of the groups and to the recognition in each country as an ethnic or national minority. Some groups of long-established migration are citizens of the country where they live where they are considered national minorities or ethnic minorities and have full citizenship. In the same countries some

other groups are considered refugees or asylum-seekers and have no residence permit; in other countries they are considered asylum-seekers/refugees, but not in the condition to obtain the status. In most of the countries many of the Roma are still considered illegal immigrants.

After ratifying the Framework Convention for the Protection of National Minorities (for further details see Chapter 2), every State was supposed to list its national minorities falling within the scope of the Convention and therefore enjoying special treatment. But many countries have never listed explicitly their national minorities whilst others have basically considered all minorities as national minorities, thus creating a lot of confusion on the application of the Convention. Some times terms used are also ambiguous and in some cases it has been “considered” or “assumed” that the Framework Convention would *de facto* cover certain groups. In some countries, Roma are considered national minorities but they have not cleared out the personal scope of application to be given to the Framework Convention. The topic of the legal status of Roma people is therefore very tricky and should be analysed country by country. The following table presents a rough summary of the status of Romany communities in the E.U. landscape.

**Table n. 4: legal status of Roma communities in the E.U.**

<b>Country</b>	<b>Recognition <i>de iure</i> or <i>de facto</i> of Roma as a territorial minority</b>	<b>Remarks</b>
Austria	<b>Yes</b>	It is not explicitly mentioned whether they are included in the scope of application of the FCNM.
Belgium	No	-
Bulgaria	No	-
Cyprus	No	-
Czech Republic	<b>Yes</b>	The specification of national minorities seems to be auxiliary to the definition of national

		minority. Scope of application of FCMN is not clear.
Denmark	No	-
Estonia	No	-
Finland	<b>Yes</b>	The term national minority (or an analogous one) is not provided in Finnish legislation
France	No	-
Germany	<b>Yes</b>	Roma and Sinti who reside traditionally in Germany and have German citizenship
Greece	No	-
Hungary	<b>Yes</b>	Regarded as ethnic minorities
Ireland	No	-
Italy	No	-
Latvia	No	-
Lithuania	<b>Yes</b>	Any ethnic/linguistic minority is regarded as a national minority
Luxembourg	No	-
Malta	No	-
Netherlands	No	-
Poland	<b>Yes</b>	Regarded as ethnic minorities
Portugal	No	-
Romania	No	-
Slovak Republic	<b>Yes</b>	Regarded as nationalities
Slovenia	<b>Yes</b>	Regarded as ethnic minority with special

		status
Spain	No	-
Sweden	<b>Yes</b>	-
United Kingdom	No	-

As we can see, only a minority of E.U. countries gives full legal recognition to Roma people. And even in such countries, although they are recognized as indigenous minorities, many ambiguities concerning terminology exist, so that some times it is not clear whether they are regarded as national minorities or as minorities with special status. Another issue regards the enormous gap between an official recognition and the actual implementation of laws through *ad hoc* policies.

#### 1.4.2 – *Ethnos in Central and Northern Europe*

Throughout the twentieth century all three countries have, in one way or another, been involved in projects of nation-building, which can be defined as a process of promoting a common language, and a sense of common membership in, and equal access to, the social institutions operating in that language.<sup>21</sup> Such a process is not unique for Central and Eastern Europe; it has also occurred in Western and Nordic Europe.

Nevertheless, concepts of *ethnos* differ between each other according to the country where the concept is applied. Such diversity is even more important referring to macro – regional areas, like Central European countries and Western/ North European countries.

A useful classification of minorities in the Nordic countries has been proposed by Allardt and Starck<sup>22</sup> who define four categories:

- national minorities who have historical connections to the territory and speak the language of a neighbouring State (for example, Sweden Finns, Tornio River Valley Finns,...)

---

<sup>21</sup> See W. Kymlicka, 'Western political theory and ethnic relations in Eastern Europe', in W. Kymlicka, M. Opalski eds, *Can Liberal Pluralism Be Exported? Western Political Theory and Ethnic Relations in Eastern Europe*, Oxford University Press, Oxford, 2001, 13-105, p. 19.

<sup>22</sup> See K. Karppi, J. Eriksson, *Conflict and cooperation in the North*, Kulturgrans Norr, Norrlands universitetsforl, Umea 2002, p.59.

- transnational minorities, like the Roma and the Jews, who can for different reasons be included among national / territorial / autochthonous minorities.
- immigrant groups.
- regional minorities within a particular State who do not identify themselves with a national identity (for example the population of the Åland islands).
- to this categorization, indigenous people can be added (the Sami).

The same categorization can be applied also to Central and Eastern European countries (apart for the indigenous people) but with some remarks. The Nordic area is characterized by a combination of high homogeneity in terms of basic patterns; the first States in the Nordic region emerged in the 10<sup>th</sup> and 11<sup>th</sup> centuries and, ethnically and culturally, they were closely related. Although national *élites* were to some degree dependent on immigration from abroad, the immigrants were naturally absorbed into the majority culture into a slow process of assimilation.

Traditionally, the Nordic countries have often been depicted as a stable area with exemplary interstate relations in modern times, and strong solidarity in terms of values among Nordic peoples and internally between the ethnic majorities and minorities. In everyday language and in political context, nationality is used to determine State citizenship. In the common perception, *ethnos* is identified with citizenship.

By contrast, in Central – Eastern Europe, where the innate diversity of languages, religions, cultures and political traditions never enabled the association between the concept of *ethnos* and the one of citizenship, the term nationality is historically often used to designate membership of a national community and *ethnos* is synonym of *Volksgruppe*. The same word translated into Nordic languages does not convey the same meaning: the Swedish *folkhem*, for example, has a broader meaning and generally identifies members of the Swedish nation. A person can be a Swede and a Sami, for example, or a Tornedalian, at the same time. But having Swedish citizenship, he will be recognized as part of the Swedish *folkhem*. Instead, the idea of *Volksgruppe* is to be bound by a set of peculiarities, including language, which originates from *ius sanguinis*.

The Nordic countries also contain national minorities, but most of times they do not present demands for political control of their territories, even though they occupy extensive areas. Due to all these reasons, the issue of minority protection does not pose those problems that are typical of Central –Eastern Europe, such as rediscussion of frontiers, demands of self-



government and independence, menace to State stability, etc...

### **1.5 - Types of majority – minority policy**

Majority-minority situations are doubtless ancient. However, it was with the era of nationalism that the problem of minority became very important. Along with the growth of nationalism, new minority problems were developing as a result of imperialism and a fresh wave of conquests. Even greater diversity was brought into one political framework by the expansion of European power. The dominant groups were faced with the new questions of policy with regard to minority groups.

State responses to cultural, linguistic and ethnic diversity that stems from minorities can be analysed from different perspectives. Literature from comparative constitutional law, social and political sciences and international relations has identified a variety of models for accomodating minority claims.

Majority-minority relations are the result of the interaction between a group of independent variables and a group of intervening variables, thus it is not possible to speak about fixed types of relations. According to Schemerhorn, the independent variables are: the origin of the contact; the degree of closeness of the minority group; the degree of coactive control exercised by the dominance and the intervening variables are: agree or disagree between majority and minority regarding the ultimate aims of the interaction; type of institutional dominance; prevailing cultural and structural models.<sup>23</sup>

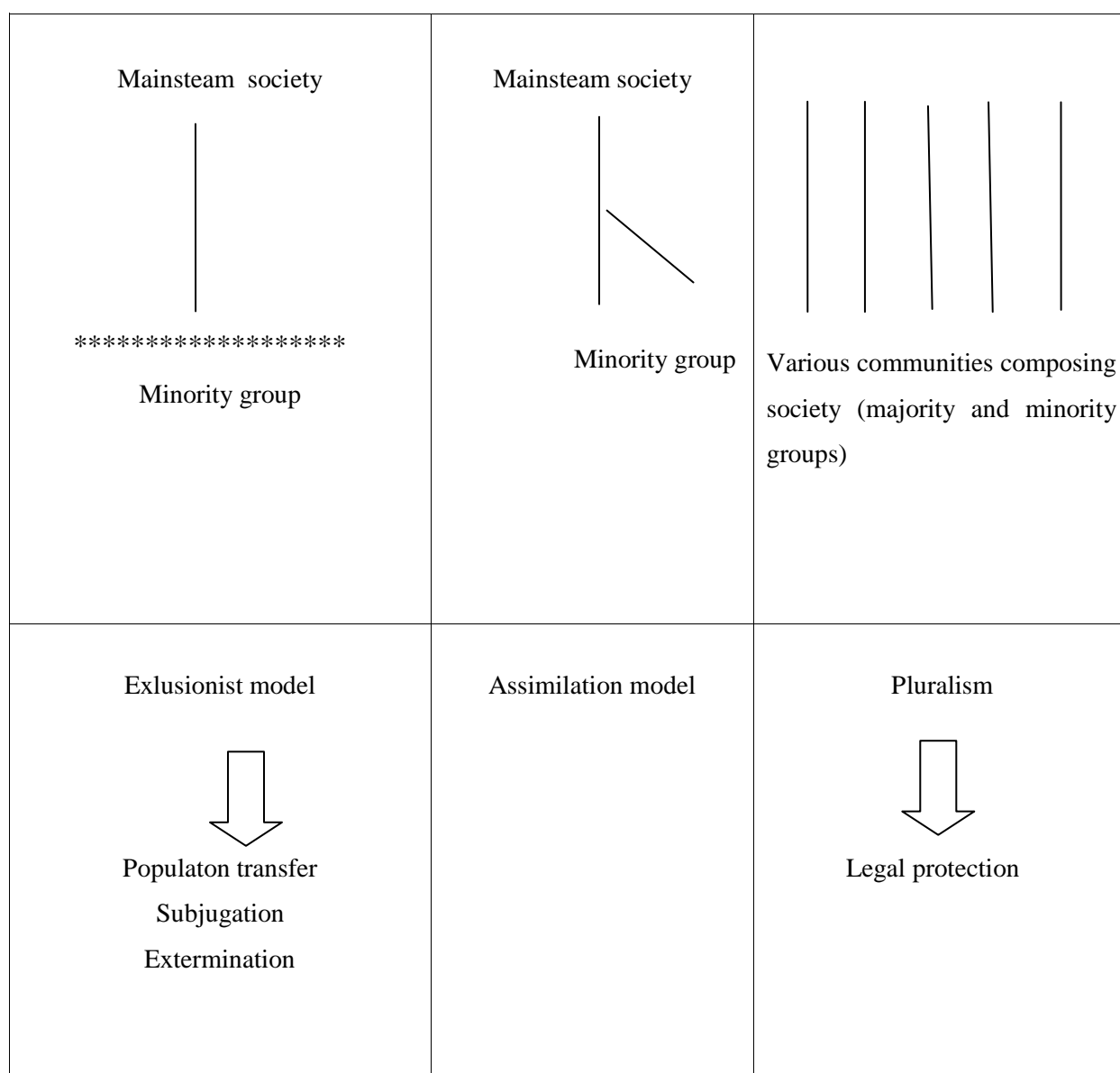
Nevertheless, through history, and until current times, six major varieties may be seen, sometimes paralleling, sometimes opposing the aims of minorities. These are not mutually exclusive categories or pure models but they can be some times coexistent in the same country.

These six varieties stem from 3 basic State's responses to diversity and cohesion which can be identified as following: the exclusionist model; the assimilationist model; the pluralist model (see figure n. 1).

---

<sup>23</sup> See R.A. Schemerhorn, *Comparative Ethnic Relations- A Framework for Theory and Research*, Random House, New York 1970

**Figure n.1: State's responses to diversity and cohesion**



Source: R. Medda-Windischer, *Old and new minorities: reconciling diversity and cohesion*, Nomos, Bozen 2008, p. 22.

### 1.5.1- Assimilation

This model requires minorities to give up their identity in order to be integrated in the mainstream society. The aim is to eliminate the minority as a minority, through the blending or fusing of minority groups into the dominant society. In general, assimilation is a socio-political response to demographic multi-ethnicity that supports or promotes the assimilation of ethnic minorities into the dominant culture. Assimilation usually involves a gradual change

and takes place in varying degrees; full assimilation occurs when new members of a society become indistinguishable from older members. Assimilation tends to merge into the society through the abandonment of cultural differences and the adoption of the values and of the models of dominance. Dominant groups have often adopted an extreme ethnocentrism that refused minorities the right to practice their own religion, speak their own language, follow their own customs and traditions.

This model has two variations:<sup>24</sup> a) a radical version, or pure assimilation model that requires minority communities to renounce their particular ethnic or cultural identity and embrace the culture of the majority community and b) an intermediate position, defined also as liberal or *laissez faire* model that tolerates differences in so far they are confined into the private realm: it is inspired by the principle of formal equality of citizens and provides general rules for the protection of individual rights but is indifferent to the promotion of ethnic identities of minorities as groups.

In modern history, some examples of the former model are provided by the czarist regime, which went through period of vigorous Russification during which the only alternatives available to minorities who wished to preserve their identity were segregation, expulsion or extermination, and by the nazi regime with its ideology of a monocultural, monoracial and monolingual people ruled by an authoritarian state. In its consequences, of course, Nazi policy went far beyond assimilation, as its doctrine of race superiority claimed that some groups were unassimilable, therefore forced population transfers and extermination were the policies adopted for them. In these cases, assimilation appears an extreme manifestation of ethnocentrism developed into an active policy for the supposed benefit of a national state, as it rests on the old conception that the best nation is a homogeneous one.

The latter model presents different forms: Simpson and Yinger<sup>25</sup> refer to it as to “peaceful” assimilation. It permits minorities to absorb the dominant patterns in their own way and at their own speed, and it envisages reciprocal assimilation, a blending of the diverse group, not a one-way adjustment. In much of the British and American literature this model is called integration. Gordon calls this model “Anglo-conformity” in order to distinguish it from assimilation. This variant eschews ideas of racial superiority and accepts immigration from

---

<sup>24</sup> G. Simpson, M. Yinger, *Racial and cultural minorities. An analysis of prejudice and discrimination*, Harper & Row, New York 1965.

<sup>25</sup> For a deepening see R. Medda- Windischer, *Old and new minorities: reconciling diversity and cohesion*, Nomos, Bozen 2008, pp. 19-21.

diverse sources, demanding only a fairly rapid adoption of “Anglo-Saxon” culture patterns. This “Anglo conformity” view shades off into the melting pot view of assimilation, but it is still assimilation.

Both versions provide for easy formal access to citizenship, among other things, through *jus soli* acquisition at birth, although a high degree of assimilation is required and little or no recognition to cultural differences is given.

According to Gordon, on a theoretical level there exist six variables or sub processes within the phenomenon called assimilation. The relation among these variables makes minority situations very different from each other. These include: behavioural assimilation (adoption of dominant cultural models by the minority group), structural assimilation, i.e. participation in the social life; amalgamation through mixed marriages, identification (or sense of belonging to the majority society), receptive assimilation (or lack of prejudice and discrimination toward the minority) and civic assimilation (lack of conflicts due to power or values).

Assimilation is still practised by those countries in Europe whose *raison d’etat* does not recognise any minorities at all or protects them only through the principle of formal equity. France, Greece, Turkey and Bulgaria can be to some extent considered among assimilationist countries.

### 1.5.2 - Pluralism

The pluralist model, also called promotional or intercultural or multicultural model, does not condition integration or inclusion and political belonging on cultural conformity. Two conditions are essential: 1) minorities do not want to be assimilated, to lose their separate identity; 2) there is a willingness on the part of some dominant groups to permit cultural variability within the range consonant with national unity and security.

Pluralism means maintenance of cultural distinction without subordination. In a pluralist society, unique groups coexist side by side. According to London, on the contrary of assimilation, it does not imply the loss of cultural identity or the identification with the dominant society and is based on reciprocity.<sup>26</sup>

---

<sup>26</sup> See H. London, *Liberalising the White Australia Policy- Integration, Assimilation or Cultural Pluralism?* In Australian Outlook, 1967.

A variation of this model is the cultural relativism model, based on a radical relativism of values: it advocates that all cultures present on a territory must be recognised and preserved and that the State should facilitate minorities' cultures at any cost.

In some cases a pluralist model can also be the result of an assimilation policy. One example is provided by the former Soviet Union, which sought the support of scores of cultural and national minorities who had bitterly resented the czarist policy of suppression. In 1917 the communists appealed to the various minorities by defending the right of cultural autonomy. Stalin himself was made People's Commissar for Nationalities and was important in the policy that separated statehood from cultural nationality and race. Native languages and arts were not permitted but encouraged and the political organization of the Soviet Union reflects to some degree cultural units of the population.

An outstanding example of a thoroughgoing use of the policy of pluralism is Switzerland. For several centuries the French and Italian Swiss have not been minorities, nor have they given up lingual and cultural differences from the German Swiss, who make up three-fourths of the population. A strong political and economic unity overrides the cultural differences. Geographical location, the presence of nearby supporting nations for each of the three major groups in the Swiss Confederation, a democratic ideology and other factors have contributed to this development.

The US melting pot contains elements of assimilation and integration at the same time. In this model the majority culture becomes influenced by the minorities in them, with the consequence that the society to which the minority assimilates or within it integrates now includes some elements of its own culture, which in turn has started to change itself in response to the encounter with the majority culture.

Canada constitutes a successful example in its policy of pluralism. In 1971, the federal government announced its policy of multiculturalism. The policy not only recognized the reality of pluralism in Canada, but seemed to reverse the earlier attempt to assimilate immigrants. Unlike the melting pot model of the United States, they preferred the idea of a cultural mosaic--unique parts fitting together into a unified whole. This model can be also called salad bowl, where the emphasis is on the differences among individuals and groups.

### *1.5.3 - Population transfer*

Population transfer is the movement of a large group of people from one region to another

by State policy or international authority. Often the affected population is transferred by force to a distant region, perhaps not suited to their way of life, causing them substantial harm.

Majorities have sometimes adopted a policy of population transfer to attempt to reduce minorities problems. This matches the secessionist aim of some minorities- both hoping for a reduction of tension through physical separation. However, at the basis of this policy there is an exclusionist approach emphasising blood loyalty, common ethnic origin and homogeneous culture.

In a few instances population transfer has been a peaceful process, with some concern for the rights and desires of individual minority-group members and a general interest in improving their situation. More often it has been a thoroughly discriminatory policy aimed at solving the problem by driving the minority – group members out of an area.

Even though this policy has proved to be fairly successful, like in the exchanges in the Balkans when forced population transfer was used by the Great Powers and later the League of Nations as a mechanism for increasing homogeneity in post-Ottoman Balkan states, in particular among Greece, Turkey and Bulgaria, there are many obstacles to its widespread use.

In most of cases it does not reduce the primary causes of conflict; in fact, this policy supposes that a homogeneous population will be a more peaceful one, but this is evidently a manifestation of a vigorous prejudice and expresses only discrimination as a policy of the majority.

Moreover, where prior to World War II a number of major population transfers used to be accepted as a result of bilateral treaties and had the support of international bodies as a means to settle ethnic conflict, today forced population transfers are considered violations of international law.

Theoretically, the transfer can be of two types: direct and indirect. In the former, the minority involved is specifically required and forced to leave. Many nations and cities drove out Jews in the late Medieval period; the United States drove Indians out of area after area; the Soviet Union deported millions of its citizens and members of religious and national minorities, during World War II; Nazi Germany followed sought a homogeneous nation by forcibly transferring large numbers of persons of many minorities. Many other examples could be made.

The indirect policy is to make life so unbearable for members of the minority that they “choose” to migrate. Thus czarist Russia drove out millions of Jews. This was also part of Germany’s policy. After World War II, efforts to reduce minority problems in Europe by

population transfer received a great deal of support. During the war, some German groups had been brought back to the *Vaterland*, and after the war others were expelled. The desire in Eastern Europe to drive out a “disloyal” minority showed a great deal of categorical prejudice, because there was little effort to distinguish between loyal and disloyal members of the national minorities. Also Italy experimented this policy, in South Tyrol and in the Tarvis area. On the contrary, the case of Istra and Dalmatia abandoned by Italians seems to have happened out of a precise pre-arranged political programme of the involved States.<sup>27</sup>

In general, more or less “directly”, about 20 million people were transferred on the basis of international political agreements between 1945 and 1955. According to Simpson and Yinger, population transfer may be effective in a few marginal cases, but in the contemporary world it can not solve neither reduce the minorities problems. It is based on the monocultural ideal, which in a day of mobility and international communication is progressively less meaningful; and even when carried out in a humane way, it violates many of the most basic rights of individuals.

#### *1.5.4 - Subjugation and extermination*

The policies just discussed have sought either to incorporate the minorities into a society or to drive them out. Often, however, the dominant group wants neither of these results. It might want the minority groups around, but it wants them kept in their place, subservient and exploitable. Subjugation and extermination are the result of an exclusionist, repressive and nationalist model which denies minority groups civic standing and respectful participation in the polity.

One clear example of this policy has been carried out in South Africa during the *apartheid*. Conflict between groups sometimes becomes so severe that physical destruction of one by the other becomes an accepted goal. Just to mention few examples from modern history: the Nazis and Fascist regimes in Germany and Italy against Jews and other minorities, e.g. the Roma and the German – speaking minority in South Tyrol; the British against the small Tasmanian population; the Boers of South Africa against the Hottentots regarded as scarcely more than animals.

---

<sup>27</sup> See J.B. Schechtman, *Postwar Populations Transfer in Europe*, Univ. of Pennsylvania Press, Philadelphia 1962.

Continued subjugation goes often together with extermination, aiming, through a coordinated plan of different actions at the destruction of essential foundations of the life of national groups, with the goal of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups.

#### *1.5.5 - Legal protection of minorities*

Closely related to pluralism, or a subdivision of it, is the policy of protecting minorities by legal, constitutional and diplomatic means. The problem of national minorities became particularly dramatic in Europe when governments wanted to apply the principles of democracy, of nationality and of self-determination to the reality of Central-Eastern Europe, where the multiplicity of Slavic populations were inextricably mixed with German, Magyar, Romanian populations,... in a diversity of languages, religions and cultures, political traditions, and within a complex and changing historical and functional stratification. The difficulty of building acceptably homogeneous, autonomous and integrated nation states under such premises was obvious; one who would solve the problem would have had to be the institutionalisation of the principle of protection of minorities. This included recognition for national minorities of certain degree of legal subjectivity and the right to have recourse to international bodies.

This principle raised a few problems. In the first place it implied the need to define precisely the concept of minority and to count such populations, then to define clearly the rights of these populations and the duties of the host State. All this required an interference in internal affairs of the States, risked the discrimination between minorities and jeopardized the loyalty of national minorities to the State. A way to reduce these problems was indicated in the principle of reciprocity,<sup>28</sup> according to which a state could invoke the protection of its own national minorities living in another State only if in turn it protected the minorities of such State in its own territory. The principle was however deprived of international importance, even if it remained in the internal political formula of some nations.

Yugoslavia was one of the few states that, at the end of World War II tried to give

---

<sup>28</sup> Cf. A. Boileau, R. Strassoldo E. Sussi, *Temi di Sociologia delle Relazioni Etniche*, ISIG 1992, p.6



international value to the principle of protection of minorities on the basis of reciprocity. In other countries this remained exclusively an ethical internal political principle, like in Italy.

In other countries such as the USA, the principle of protection of national minorities was unknown until recent times due to the emphasis put on the idea of melting pot, according to which everyone can give a contribute to the construal of American culture but has at the same time to be assimilated in that culture.

After World War II, the constitution of Bulgaria and Turkey were the first to guarantee rights of autonomy for minorities. The Thirteenth, Fourteenth and Fifteenth Amendments to the United States Constitution, although not pluralistic in aim, sought to protect the equal rights of minorities.

The Versailles Treaty was also concerned with minorities, particularly in the countries of the old Austro-Hungarian Empire, where so many conflicts had originated. One solution, involved in Wilson's Fourteen Points, was the self determination of peoples. Had this been carried out it would have eliminated national minorities, by making each minority into a nation, if it so chose. It was based on the assumption that a monocultural, monolingual state was most likely to be successful; it also tended to encourage small cultural group self - consciousness rather than large multigroup cooperation.

However, it was a significant change in peacemaking when the rights of the minorities were given careful consideration. And when the self-determination principle was disregarded, an additional provision for pluralism within nations was invoked. Civil and religious liberties, the right of citizenship and language rights were among the provisions of the treaties.

Nowadays, the principle of protection of minorities is generally recognized and actively developed in Europe, though it still does not offer a very homogeneous picture. In Western European countries the political problems arising from the existence of national minorities in the different states are normally considered internal matter that can be dealt with constitutional means.

In Central and Eastern European countries the non-coincidence between the political and ethnic frontier is still regarded as a risk and a menace to stability, but due to the role played by several institutional bodies, these countries have ratified numerous agreements and treaties ensuring the respect of frontiers and minorities living within the territory.

Table n. 5 present the most common solutions used for minority protection in Western

and Central – Eastern European countries.

**Table n. 5: Solutions for minority protection in Western and Central- Eastern European countries**

<i>Western Europe</i>	<i>Central- Eastern Europe</i>
- use of constitutional provisions - other internal laws and further regulations	- resort to international law - bilateral & multilateral treaties - bilateral treaties of Good Neighbourliness

### **1.6 - Towards an almost legal definition of national minority**

Many definitions of ethnic minorities have been developed by social scientists. After having seen the main features in order to define an ethnic minority, we recognize that a legal definition, which is still under construction, must necessarily be based, at least in the European context, on the more specific concept of national minority since the subject of the international law which is entitled to ratify the documents is the (nation-)state. Insight into the core definition of national minority can be gained by examining how relevant academics have dealt with this concept. Here is a brief overview on the meaning elaborated by some of the most prestigious scholars in the field.

Claude<sup>29</sup> advocates a subjective definition of national minority. As he states, “we can only say that a national minority exists when a group of people within a state exhibits the conviction that it constitutes a nation, or a part of a nation, which is distinct from the national body to which the majority of the population belongs, or when the majority element of the population feels that it possesses a national character in which minority groups do not and perhaps cannot share. The weak point of this definition is the lack of distinction between a minority that wants to assimilate but is prevented from doing so and the minority who wants to preserve its cultural heritage.

Laponce<sup>30</sup> developed a both objective and subjective definition, stating that a national minority is a group of people who, because of common racial, linguistic or national heritage

---

<sup>29</sup> I. Claude, *National Minorities: an International Problem*, Harvard University Press, Cambridge 1955.

which singles them out from the politically dominant cultural group, fear that they may either be prevented from integrating themselves in the national community of their choice or be obliged to do so at the expense of their identity. This definition is more effective though it does not distinguish minorities by force and minorities by will.

Macartney<sup>31</sup> does not offer any explicit definition of minority but the organization of his work reveals an implicit concern with a particular description: minorities are non- dominant groups whose national identity is distinct from the national identity of the rest of the state's population. Objective (race, ethnicity, language, religion) and subjective criteria (self-perception of membership) are taken into an account. According to Modeen<sup>32</sup> a minority is understood in strict association with nation and it is therefore defined as a population which through some external quality – chiefly linguistic or cultural- or on grounds of national sentiment, may be distinguished from others independent of formal citizenship. He is however ignoring racial and religious differences which in some cases are still predominant.

Though, there is a difference between a merely descriptive, or sociological, and a legally binding definition. A descriptive definition serves as a guiding point, allowing for broad exceptions to be covered. A legal definition is not that flexible, but it is necessary if we do not want to stick only at the theoretical level and to analyse the level of protection of a specific minority within a specific State.

Of course both definitions cover more or less the same range of criteria: numerically smaller, specific ethnic, religious, linguistic features and elements, existence within a nation-state, the wish of the group to be recognized as such and to preserve, develop and pass to the off- spring a common identity, etc. Some of these criteria are objective, others subjective, pending on the will of individuals belonging to the group. In a world where assimilation and dissimilation processes parallel each other and social mobility is increasing, it is impossible to legally prescribe without a strict registration of membership the limits within which a group can be assigned rights, which are justifiable, general and universal and based on ethnic and linguistic elements. Registration, for a number of reasons, in some well-founded cases, is opposed by the majority of the groups and individuals concerned.

---

<sup>30</sup> J. Laponce, *The Protection of Minorities*, University of California Press, Berkeley and Los Angeles 1960.

<sup>31</sup> C. Macartney, *National States and National Minorities*, OUP, London 1934.

<sup>32</sup> T. Modeen, *The International Protection of Minorities in Europe*, Abo Akademi, Abo 1969.

However, assigning rights and allocating the necessary funds for the implementation of those rights is successful if the competent State organs possess reliable data on the number of those concerned, their distribution on the territory, their specific demands, their peculiar features, age and gender composition, information on their social status, etc. Even though those concerned would agree to be registered, such data would need constant updating. Moreover, intra-group changes are difficult to monitor. Also, changes are relatively frequently occurring in the political status of the group itself: for instance when a minority does have political organizations and manages to participate in the decision-making process at national or local level. If one takes all these facts into account it necessarily comes to the conclusion that a generally valid and legally binding definition is, if not impossible, very difficult to find.

In fact, when drafting international documents related to minority protection, States were never able to agree on a common formula, until now. It is however useful to survey how the international organizations concerned with minority questions have sought to establish a common definition to the term national minority and whether any of them arrived to formulate a definition which can be used at least as a guideline in legally binding documents.

One of the first interesting definitions in this sense was the one elaborated in 1928 by the jurist Mello Toscano, representative at the League of Nations. He considered a minority as that part of the permanent population of a state which, linked by historical tradition to a determined portion of the territory and having a culture of its own, cannot be confused with the majority of the other subjects because of the difference of race, language or religion.

More subjective oriented definitions were also proposed in those years. In a report of the League Council dating back to 1925 a minority was considered not only a racial group incorporated in the body of a nation of which the majority forms a different racial unit. There is also psychological, social and historical attribute, constituting, perhaps, for the purposes of the definition we are seeking, its principal differential characteristics.

The United Nations competent bodies have spent decades trying to find a universally valid definition on what the term minority means. Being a universal organization, the U.N. needed to arrive at a universal definition of the phenomenon. A memorandum entitled *Definition and Classification of Minorities* summarized the difficulty associated with using the term in its simplest form, a group's numeric standing within a state's population. The most comprehensive attempt to establish a definition that could be universally accepted was made by Special Rapporteur Francesco Capotorti, Special Rapporteur of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, who defined a

(national) minority as:

*“ a group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language ”.*<sup>33</sup>

This definition has gained wide acceptance within the international community and above all in Europe, even though there is not yet an actually binding and accepted definition neither in the universal nor in the regional context. The term ethnic or national minority is still ambiguously defined in specialised literature as well as in the political debate. Certainly, the definition of national minority, in spite of efforts to play it down, remains the first tool for determining the concrete bearing of obligations taken by a State and achieving clarity and certainty in the regime of minority rights.

Things are not less complicated when it comes to regional instruments. For example the Council of Europe or the OSCE use the terms “national minorities” and “persons belonging to national minorities”, while in the United Nations’ system the common terminology is “national, ethnic, religious and linguistic minorities” and persons belonging to these minorities.<sup>34</sup> There is therefore an endless debate on whether the entities concerned are to be defined groups, populations, communities, peoples or single persons. As far as the internal legislation of various States, it is also using different terms. Some States recognize both national and ethnic minorities, others only linguistic minorities, in other cases the term “nationalities” is still preferred. Internal terminology, and consequently the object and type of minority protection vary a great deal even within the European States that have ratified the same documents.

Despite the fact that the question of minorities presently enjoys such international prominence, surprisingly little has until relatively recently been done to formulate an

---

<sup>33</sup> See F. Capotorti, *Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*, UN Doc. E/CN.4/Sub.2/384/Rev.1 at par. 586.

<sup>34</sup> On this issue see J. Packer, K. Myntti, *The Protection of Ethnic and Linguistic Minorities in Europe*, Institute for Human Rights, Åbo Akademi University 1993, chapter 3.

authoritative, generally acceptable definition of a ‘minority’.<sup>35</sup> A plausible reason for this neglect is that the lack of a definition could be used by States as an excuse not to deal at all with potentially contentious minority issues at home by claiming that the relevant group was not a ‘minority’ and had no claims to special rights, but was simply part of the broader national population. This also reflects the prejudice that being called a “minority” would imply a certain second-class status.

In spite of this diversity in terminology, a good basis for this study and for the analysis of documents relating to the protection of national minorities is the definition elaborated by Capotorti associated with the one formulated in the Council of Europe’s Parliamentary Assembly’s Recommendation 1134 (1990) which describes national minorities as separate or distinct groups, well defined and established on the territory of a state, the members of which are nationals of that state and have certain religious, linguistic, cultural or other characteristics which distinguish them from the majority of the population

A possible definition would be then:

*“a group numerically inferior to the rest of the population of a state, in a non- dominant position, well defined and historically established on the territory of that state, whose members – being nationals of the state- possess ethnic, religious, linguistic or cultural characteristics differing from those of the rest of the population and show, if only implicitly a sense of solidarity, directed towards preserving their culture, traditions, religion or language.”*

This definition adds a territorial requirement to Capotorti’s definition as well as a desire on the group’s behalf to maintain a distinct “national” identity.

---

<sup>35</sup> If one accepts the principle of free choice and self-definition, it is difficult to claim that a group does not have the right to call itself a nationality or a *Volksgruppe* (group of people), or even a people.



## **CHAPTER II**

### **MINORITY RIGHTS STANDARDS IN EUROPE**

#### **2.1 - The international protection of minorities: from the origins until the Cold War**

In the 1990s the issue of minority rights in plural societies rose to the top of the global political agenda for the first time since 1945. Although there had since the 1950s been a gradual international recognition of the need to protect minority rights, the issue gained a new prominence and urgency with the upsurge in ethnic conflict following the collapse of communist dictatorships in Eastern Europe. Before analyzing the protection of minorities in the specific areas of Slovenia and Sweden, I consider it useful to briefly present the problem of minority rights at international level, taking into account the major international instruments and documents.<sup>1</sup>

Historically, the Peace of Augsburg, concluded between the “Roman Imperial Majesty and the Electors, Princes and States of the Germanic Nation” in 1555, is one of the oldest treaties embodying elements of group rights; the parties in fact agreed that no harm may be inflicted on any State of the Empire on the grounds of the Augsburg Confession. The treaty, however, elaborated mainly on the right of religious freedom. The Treaty of Westphalia of 1648 likewise bound the signatories<sup>2</sup> to restoring church possessions and allowing the free exercise of religion. Bringing to an end the Thirty Years’ War in Europe, the treaty marked the end of the supremacy of the Holy Roman Empire and the birth of the modern sovereign State.

Until the end of World War I the development of minority rights was slow and partial; the protection was often claimed at international level but seldom realized in practice, due to the absence of a mechanism that would assure the implementation of the (limited) existing

---

<sup>1</sup> On the issue see M. Weller, D. Blacklock, K. Nobbs, *The protection of minorities in the wider Europe*, Basingstoke: Palgrave Macmillan, 2008 and B. Vukas, *Complexity of the international protection of minorities in Studi di diritto internazionale in onore di Gaetano Arangio-Ruiz* 3, Napoli: Editoriale scientifica 2004.

<sup>2</sup> I.e. the emperor, princes and States of the empire’ and the ‘plenipotentiaries of the queen and crown of Swedeland.



provisions and to the absence of a specific constitutional protection within the single States, apart from a very vague prohibition of discrimination.

The phase from World War I to World War II was characterized by a more dynamic development. The Treaty of Versailles of 1919, the peace agreement that formally ended World War I, although providing an obligation of protection of minorities only for two countries, was quite innovative.

The Covenant of the League of Nations did not take these embryonic minority rights any further. The protections of minorities provided by the series of treaties following the first World War, like those found before, were case-specific and constituted inter-State obligations arising from the failure to apply the ill-conceived nationalities principle in a perfect territorial division of Europe, thus there was no attempts at the settlement of minority problems in general.<sup>3</sup> Nevertheless, they served as a basis for further international documents.

The Atlantic Charter of 1941 acknowledged the right of all peoples to choose the form of government under which they will live. Likewise, the Charter of the United Nations, adopted in 1945, recognizes the principle of equal rights and self-determination of peoples. But the peoples referred to, at least in the U.N. Charter, were not national minorities within States, but rather entire national populations.

The period between the two wars marked the beginning of the modern constitutional protection of minorities and special rights of persons belonging to minorities were added to the general concept of human rights, even though no efficient mechanism would assure the realization of existing international/national legal provisions.

After World War II some new special rights have emerged and a dual nature of minority rights, individual and collective, have slowly been recognized. Some principles proclaimed in the documents elaborated by international organization have become customary international law and *ius cogens* when they are included in new international treaties. A new concept for the protection and rights of minorities has been slowly established, with the U.N. playing a central role. Though in the great majority these documents are mostly political declarations and resolutions, thus depending on the political commitment of states to respect them. Moreover, during this period standards of constitutional protection are lower than existing international standards.

---

<sup>3</sup> See J. Packer, K. Myntti, *The Protection of Ethnic and Linguistic Minorities in Europe*, Institute for Human Rights, Abo Academy University 1993.

The Universal Declaration of Human Rights of 1948 was elaborated in the language of individual rights more than minority rights: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. The same formulation is to be found the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950). The latter lists “association with a national minority” as one of the unacceptable grounds for discrimination. A notion of collective rights can be found in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, where genocide is defined as “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such. An explicit international recognition of the existence of minorities and group rights emerged in 1954 in a recommendation of the United Nations Subcommission on Prevention of Discrimination and Protection of Minority Rights. In States inhabited by “well defined ethnic, linguistic or religious groups which are clearly distinguished from the rest of the population and which want to be accorded differential treatment”, members of such groups have a right to establish their schools. A very comprehensive document is the International Labour Organization’s Convention on Indigenous and other Tribal and Semi-tribal Populations, which went well beyond any of the preceding international instruments in addressing minority rights.<sup>4</sup>

The United Nations Convention on the Elimination of All Forms of Racial Discrimination of 1966 provided for special measures for the advancement of racial or ethnic groups – an implicit acknowledgment of minority rights. A more explicit recognition of these rights is contained in the International Covenant on Civil and Political Rights approved by the United Nations General Assembly in 1966. Although giving precedence to individual rights, the Covenant makes provision for group rights.<sup>5</sup>

---

<sup>4</sup> Although the document focuses on people with a long experience of colonial subjugation, it was a path-breaking document for defining group rights positively. The Convention recognizes the particularity of groups and the continuity of group values and institutions, such as traditional land ownership. Governments furthermore have to promote the protection, development and integration of indigenous, tribal and semi-tribal peoples. Children belonging to indigenous groups should be taught to read and write in their mother tongue. The relevant State or majority is not only to desist from certain actions that could impinge on the rights of the minority, but also has to take specific steps that would enhance the rights of that minority.

<sup>5</sup> Cf. art. 27 “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language”.

The International Covenant's reference to minorities is formulated in negative terms: according to art. 27 they may not be denied particular rights. Nevertheless it establishes and recognizes a right conferred on individuals belonging to groups sharing a common culture, religion or language. Moreover, art. 27 still contains the only universal legally binding norm on minority protection.

The UNESCO Declaration on Race and Racial Prejudice, 1982, addressed the contentious relationship between group differentiation and discrimination. According to the first article of the declaration "all individuals and groups have the right to be different, to consider themselves as different and to be regarded as such".

The move towards positive rights for minorities was given a major impetus by the Conference on Security and Cooperation in Europe (CSCE, later Organization for Security and Cooperation in Europe, OSCE) in 1975. The Helsinki Final Act of that year declares that participating States, on whose territories national minorities exist, will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms.<sup>6</sup> The development of positive group rights was taken a step further with the CSCE's Concluding Document adopted at the Stockholm conference in 1986. Participating States accepted a set of clearly defined obligations with regard to distinct groups, one of which States: "they will ensure that persons belonging to national minorities or regional cultures on their territories can maintain and develop their own culture in all its aspects, including language, literature and religion; and that they can preserve their cultural and historical monuments and objects".

The European Parliament, with its Resolution on the Languages and Cultures of Regional and Ethnic Minorities, adopted in 1987, went beyond any of the multilateral agreements or decisions mentioned above. The European Parliament points to the need for members States of the European Union to recognize their linguistic minorities in their laws and create the basic condition for the preservation and development of regional and minority cultures and languages. Accordingly, EU members should, *inter alia*, arrange for pre-school to university education and continuing education to be officially conducted in the minority and regional languages in the areas concerned on an equal footing with instruction in the national languages.

---

<sup>6</sup> For a deepening see M. Weller, D. Blacklock, K. Nobbs, *The protection of minorities in the wider Europe*, Basingstoke: Palgrave Macmillan 2008.

Administrative and legal measures are recommended to provide a legal basis for the use of minority languages, in the first instance in the local authorities of areas where minority groups live. Other measures provide access to broadcasting services in such a way as to guarantee the continuity and effectiveness of broadcasts in regional and minority languages; it also provides that minority groups obtain organizational and financial support for their programmes commensurate with that available to the majority. The European Parliament recommends that provision be made for the use of regional and minority languages in public concerns too, for example public signs, consumer information and product labelling.

The final international instrument adopted during the Cold War era is the CSCE's Concluding Document of the Vienna meeting in 1989. The Document reaffirms participating States' commitment both to individual human rights and to group rights. Article 18 summarises the participants' obligations with regard to minority rights: "they will protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities on their territory. They will respect the free exercise of rights by persons belonging to such minorities and ensure their full equality with others".

Until the beginning of the Cold War, as we have seen, several documents have been elaborated by the major international bodies, in particular the U.N; a basis of international standards on minority protection has been laid down and some rudimentary mechanisms for the implementation of minority rights have been established. Though the standards of constitutional protection are still much lower than existing international standards, many European States do not recognize yet the existence of national minorities within their borders and the concept of ethnic/linguistic minority is not clearly defined.

## **2.2 – Instruments of minority protection after 1989**

Since the collapse of the Soviet bloc the need of a new relationship between states and different ethnic groups living on its territory gained more attention. While the above mentioned documents show an emerging sensitivity towards the international protection of minorities, it is only during the 1990s that the question of minority rights has truly become a major issue of international and macro-regional concern.

Türk<sup>11</sup> usefully divides the work on the protection of minorities in European institutional

---

<sup>11</sup> D. Türk, "Protection of minorities in Europe", *Collected Courses of the Academy of European Law*, III, 2.

forums into three basic periods: the period of “standstill” between 1945 and 1975; the period of “slow progress” between 1975 and 1989, and the period of “intensive search” after 1990.

In particular, European States have made serious commitment to internationalizing minority right: between 1990 and 1993 a rapid consensus developed among the major institutions: that the treatment of national minorities by post-communist countries should be a matter of international concern and that there should be international mechanisms to monitor a country compliance with international norms of minority rights. Maybe the most important and tangible action in this regard was the decision by the EU and NATO in 1991 to make minority rights one of the four criteria that candidates countries had to meet in order to become members of these organizations.

Given the concise and rather vague content of art. 27 of the Covenant on Civil and Political Rights, Prof. Capotorti suggested the drafting of a declaration on the rights of members of minority groups that should have contained principles to which States could turn for guidance in order to fulfil objectives set forth in art. 27. The Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities was finally adopted by the UN General Assembly in 1992. This represents one of the most comprehensive international documents of its kind, setting out both the rights of minorities and the duties of States. The Declaration prescribes that States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity. However, the rights of persons belonging to national or ethnic, religious and linguistic minorities specified in the Declaration (to enjoy their own culture, profess and practice their own religion, and use their own language freely in public and private; participate effectively in cultural, religious, social, economic and public life; participate effectively in decisions on the national and, where appropriate, regional level concerning their minority group or region; establish and maintain their own associations, and establish and maintain free and peaceful contacts with other domestic minorities and with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties<sup>12</sup>) are a reaffirmation of rights appearing in other international instruments rather than a statement of new rights.

---

1992, pp, 143. 206.

<sup>12</sup> UN General Assembly, *Declaration on the Rights of Persons belonging to National, or Ethnic, Religious and Linguistic Minorities*, 1992, art. 1.

What is more innovative is that States are obliged to adopt appropriate legislative and other measures to the above ends. The Declaration also lists specific measures but only one appears compulsory: “States shall take measures” – where required – to ensure that minorities “may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law”<sup>13</sup>, and to create favourable conditions to enable minorities “to develop their culture, language, religion, traditions and customs”,<sup>14</sup> on condition that it is done in accordance with national laws and international standards. States should also take appropriate measures so that, wherever possible, minorities “may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue”<sup>15</sup>; States should furthermore, where appropriate, take measures in the field of education to encourage minorities’ knowledge of their own culture and they should consider appropriate measures so that minorities may participate fully in economic progress and development of their countries. More in general States shall plan and implement national policies and programmes with due regard for the legitimate interests of minority groups. In spite of this, the U.N. Declaration follows an individual approach and no reference is made to collective rights of national minorities.

Since 1990, various international bodies, international organizations, sub-regional integrations<sup>16</sup> have been created with the mandate of monitoring the treatment of minorities. The protection of minorities remained also an important content of multilateral and bilateral treaties, but this new attention was mainly fostered within 3 main legal domains: the Council of Europe, the OSCE and the European Union.

---

<sup>13</sup> Ibid., art 4.1.

<sup>14</sup> Ibid., art.4.2.

<sup>15</sup> Ibid., art. 4.3.

<sup>16</sup> Among them, the most important initiatives have been: the Instrument for the Protection of Minority Rights of the Central European Initiative, an international document (although not binding) establishing quite innovative principles for the protection of national minorities in member states; the establishment of the Working Group on Minorities by the Alps Adriatic Working Community, responsible for the collection of data regarding ethnic/national minorities in the region; the establishment of a Commissioner for Human Rights and Minority questions within the Council of Baltic Sea States.

### 2.2.1- In the framework of the Council of Europe

Traditionally, since its conception, the Council of Europe has played the lead role in relation to minority issues and in the development of minority rights standards in Europe. The first text in the field was adopted by the Council of Europe's Parliamentary Assembly back in 1957 with the Resolution 136 on the position of national minorities in Europe. Other resolutions on the issue have been adopted also in 1958, 1959, 1961. Though, the effectiveness of such documents remained limited, not only because they were just political documents, therefore lacking legally force, but also because they remained largely in line with the old conception of minority rights seen as special privileges granted by a State on the basis of its political interests.

In 1993, the heads of state and government of the member states of the Council of Europe met in Vienna in order to elaborate further guidelines for the organization's continued work in the field of human rights. It was decided to draft a framework convention setting out the principles for the protection of national minorities, which was open for signature in 1995 and entered into force on 1 February 1998.

The Framework Convention for the Protection of National Minorities represents one of the weightiest contributions to the international protection and promotion of minority rights as well as one of the most comprehensive documents.

Unlike most other international instruments on minority rights that contain only political obligations, the Framework Convention is legally binding on member States of the Council of Europe. The Convention represents an important step towards the creation of a coherent system of minority protection in Europe.

The document states that the protection of national minorities is essential to stability, democratic security and peace on this continent. However, the Convention does not contain a definition of the concept of national minority nor does it define its application *ratione personae*. As there is no general definition agreed upon by all Council of Europe member states, each party is left room to assess which groups of persons are to be covered by the convention within their territory, leaving it a wide margin of discretion in the application of the Convention. This selection must be made in good faith and in accordance with general principles of international law and the fundamental principles set out in article 3 of the Convention itself.

The explanatory report comments on the absence of a definition: “(...) it was decided to adopt a pragmatic approach, based on the recognition that at this stage, it is impossible to arrive to a definition capable of mustering general support of all Council of Europe member states”. Nevertheless, the preamble, which refers to respecting the ethnic, cultural, linguistic and religious identity of each person belonging to a minority,<sup>17</sup> and article 5, which refers to the religion, language, traditions and cultural heritage as essential elements of minority identity, as well as article 6 referring to ethnic, cultural, linguistic or religious diversity outline a silhouette of the groups in the gaze of the convention. Yet the Explanatory Report on the Convention states that the mere existence of ethnic, cultural, linguistic and religious differences does not necessarily create national minorities.

The lack of a definition of minorities also means there is no strictly worded distinction between “traditional national minorities” and the so-called “new minorities”. Likewise, it is not necessary for these national minorities to be citizens of the given country.

Several States have formulated declarations regarding the notion of national minorities upon ratification of the FCNM (Austria, Estonia, Luxembourg, Poland, Switzerland, the former Yugoslav Republic of Macedonia). Other States have made declarations giving their interpretation of the notion of national minorities. Other States have explicitly listed the groups of the people to which the FCNM applies within their territory (Denmark, Slovenia, Sweden, the Netherlands, Germany). Five member States declare that there are no minorities on their territories (France, Turkey, Luxembourg, Malta, Liechtenstein). In Belgium, no clear position has been definitively adopted.

In most of the States which recognize the presence of minorities the regime of minority protection finds its foundation in the Constitution (although in some countries the Constitution does not use the term minority).

Most of States have limited the scope of application of the treaty by requiring that members of the group concerned must be citizens of the State; moreover, it is usually required that the group has long - established ties with the country.

The Framework Convention applies in principle to all parts of ratifying states, unless a particular article carries an “area” designation. That means that a minority group in a certain country can be considered as a minority only in a particular territory within the country. For example, Slovenia makes a distinction between the national autochthonous minorities and the Roma/Gypsy community. Sweden distinguishes between recent immigrants and others. Other

---

<sup>17</sup> Cf. Council of Europe, *Framework Convention for the Protection of National Minorities*, 1994, Preamble.



countries apply restrictions of the kind, namely Germany which makes a difference between national minority and ethnic groups traditionally resident in Germany including Roma/Gypsy and Sinti, and Denmark, which applies the Convention only to the German minority in South Jutland. However, according to the Advisory Committee, the fact that a group of persons may be entitled to a different form of protection, cannot by itself justify their exclusion from other forms of protection.

The FCNM provides for a certain flexibility dependent upon the type of minority group, typology of rights and particular circumstances of each State. In any case, the Convention and its Explanatory Report, referring to certain provisions pertaining to the use of minority language in public administration and on public signs and relating to education in mother tongue may be invoked only by persons belonging to a national minority living either traditionally in a given area or in a substantial number and only if there is a real need or a sufficient demand.

The conception and content of minority rights as enshrined in the Convention can summarised in the following main points:

- ✓ The overall aim is to specify the legal principles which States undertake to respect in order to ensure the protection of national minorities.
- ✓ Minority rights are integral part of fundamental rights, and not special privileges which a state might bestow to some groups.
- ✓ Minority rights are mainly understood as individual rights but which can be enjoyed in community as well.
- ✓ The main goal of minority rights is full and effective equality.
- ✓ The provisions are legally binding though the Convention is also a document of principles, in the sense that it offers basic principles which must be “translated” and implemented within the state’s legislation and according to its concrete situations. The Convention sets programme-type provisions: they are not self- executing and moreover the application of some provisions is conditioned with the requirements of certain size of the minority group in question, or tempered with the so called “escape clause” such as *as far as possible* or *where necessary*.<sup>18</sup>

---

<sup>18</sup> One example is art. 14.2 “In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and

Minorities are entitled to participate in decision-making on issues directly affecting them.

In line with other recent instruments, the preamble lays the basis for the Convention by declaring that “a pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity”. The Framework Convention emphasizes that the protection of minority rights “forms an integral part of the international protection of human rights”. Moreover, various instruments of the Council of Europe, the UN and the OSCE are indicated as sources of inspiration.

The structure of the Framework Convention can be summarized as following:

- Preamble setting out the reasons for drawing up the Convention and the main sources;
- Section I containing provisions which stipulates certain fundamental principles which may serve to elucidate other substantive provisions;
- Section II containing a catalogue of specific principles which shall be enacted in the legislation of each and every signatory State;
- Section III containing provisions on the interpretation and application of the Convention: in particular, the activities must be in accord with the national legislation of the State, with the principle of international law and may not jeopardize the territorial integrity and political independence of the State;
- Section IV containing provisions of the monitoring of the Convention;
- Section V containing the final clauses which are based on the model of final clauses for conventions and agreements concluded within the CoE.

The Convention elaborates on the obligations of States towards national minorities in such spheres as:

- ✓ *Non – discrimination and promotion of effective equality.* Equality before the law and equal protection of the law are guaranteed to the members of minorities on the basis of

---

within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language”. Obviously such a formulation gives national governments a great deal of discretion on whether to provide or not minority language education.

- art. 4.1; additionally, according to art. 4.2, the parties undertake to adopt adequate
- ✓ measures to promote full and effective equality between members of the minority and majority.
  - ✓ *Promotion of conditions favouring the preservation and development of culture, religion, language and traditions.* According to art. 5.1 the parties undertake “to promote the conditions necessary for persons belonging to minorities to maintain and develop their culture, and to preserve the essential elements of their identity [...]”.
  - ✓ *ECHR- related freedoms.* The Framework Convention structures a number of links with the EHCR. Art. 7, 8 and 9 mirror the EHCR and elaborate some provisions therein; art. 7 bounds together freedom of peaceful assembly, freedom of association, freedom of expression, freedom of thought, conscience and religion; art. 8 elaborates more the religious dimension and art. 9 gives further elaboration to the freedom of expression.
  - ✓ *Education.* Art 6 provides that the parties shall encourage “a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and cooperation among all persons living on their territory...in particular in the fields of education, culture and the media”.
  - ✓ *Learning of and instruction in the minority language.* In this field, provisions look ambiguous. The statement in art. 13.2 that the right to set up private institutions shall not entail any financial obligation for the parties may be incorrect in practical situations. Art 15 suggests that minorities should have input into curricula.
  - ✓ *Use of one’s own name in the minority language.* According to art. 11.1 every person belonging to a national minority has the right to use his or her surname and first names in the minority language and the right to official recognition of them.
  - ✓ *Topographical names in the minority language.* Art 11.2 provides the right for every person belonging to the minority to display in his or her minority language signs, inscriptions and other information. According to art. 11.3 parties shall endeavour to display traditional local names, street names and other topographical names in the minority language in case of a sufficient demand for this.
  - ✓ *Participation in public life.* Art. 15 provides that the parties “shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them”. The article does not specify modalities of participation, though the explanatory report suggests solutions taken from OSCE practice. Parties could promote

this participation through:

- consultation;
  - involving these persons in the preparation, implementation and assessment of development plans likely to affect them directly;
  - undertaking studies in conjunction;
  - effective participation in decision- making processes and elected bodies at national and regional level;
  - de-centralised or local forms of government.
- ✓ *Cross- border contacts.* Art 17.1 recites the commitment of the parties “not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other states, in particular those with whom they share an ethnic, cultural, linguistic or religious identity”.
- ✓ *Obligations of minorities.* The Convention approaches the question of duties in art. 20, stating the obligation on behalf of any person belonging to a national minority to respect the national legislation and the rights of the others, in particular those persons belonging to the majority or to other national communities. Art. 21 refers to the respect of fundamental principles of international law and of the sovereign equality, territorial integrity and political independence of states.

The supervision of the Convention is demanded to the Committee of the Ministers which is assisted in this task by an Advisory Committee, formed by recognized expertise in the field of protection of national minorities. The monitoring procedure requires each state to submit a first report within one year of entry into force of the convention and additional reports every five subsequent years or on upon a specific request of the Committee of the Ministers. These reports must include 2 parts:

- Part I providing an overview on state policy;
- Part II giving information more detailed information (article-by-article) of state activity and including five categories:
  1. narrative, a short description of government activity;
  2. legal, containing all relevant laws or regulations;
  3. state infrastructure, an account of national, regional and local authorities;
  4. policy, i.e. measures, statements, public expenditure;

5. factual, an evaluation of the effectiveness of measure.

The Framework Convention possesses some restrictive characteristics. Nevertheless, although the list of minorities rights is quite restricted, it is however less vague than the United Nations instruments. The Convention mostly contains programme-type provisions setting out objectives which the parties undertake to pursue; these provisions leave to States concerned a measure of discretion in the implementation of the objectives and the obligations are softened in a way that affects both the general structure of the provisions and their specific content. Moreover, States can list the national minorities to which the Convention is applicable or simply provide their own definition of minorities; some have even declared of not having minorities on their territory.

Nevertheless, the Framework Convention has been a milestone in the process of strengthening minority protection, which taking inspiration from the EHCR and U.N. documents converted the political declaration of the OSCE Copenhagen Document (1990) into legal terms. In spite of the several shortcomings of the Framework Convention (see table 4), it is still one of the most or the most fruitful step in the field of a definition of common standards in minority protection.

The Council of Europe reiterated the link between individual and group rights in the Declaration on Human Rights and in the European Convention for the Protection of Human Rights and Fundamental Freedoms, both adopted in 1993.

**Table n. 4: Achievements and shortcoming of the FCMN**

<i>Achievements</i>	<i>Shortcomings</i>
<ul style="list-style-type: none"><li>- It is the first ever legally binding multilateral instrument in the field of minority protection</li><li>- It sets legal standards</li><li>- It provides a clearly open monitoring mechanism</li></ul>	<ul style="list-style-type: none"><li>- It does not explicitly recognize collective rights of minorities</li><li>- Absence of a definition of national minority</li><li>- It incorporates only limited standards</li></ul>

<ul style="list-style-type: none"> <li>- It is a flexible instrument</li> <li>- It represents a step towards a system of minority protection in Europe</li> </ul>	<ul style="list-style-type: none"> <li>- The term framework dilutes its impact</li> <li>- Some clauses limit the enjoyment of the rights and freedoms stemming from the listed principles</li> <li>- It does not clearly distinguish between ‘old’ and ‘new’ minority category</li> <li>- The scope of rights is contextual</li> <li>- Absence of clearance on means and on implementation of the rights</li> </ul>
---	---

The efforts of the Council of Europe in the field of minority protection are not limited to the Framework Convention. Another very important document, adopted in 1992 and entered into force on 1 March 1998, is the European Charter for Regional or Minority Languages. This is not strictly speaking a minority instrument, though it is a strong sign of the increasing readiness to tackle minority issues at intergovernmental level. It recognizes the centrality of language as a minority right and notes that some regional or minority languages “are in danger of eventual distinction, to the detriment of Europe’s cultural wealth and traditions”.

It is therefore considered necessary and legitimate to take special steps to preserve and develop these languages. The Charter declares the use of a regional or minority language in private and public life an inalienable right conforming to the principles embodied in several of the documents already discussed. The Charter also lists a wide range of measures to promote the use of regional or minority languages in different spheres of public life ranging from education and public services to the media, cultural activities, economic and social life.

The Charter does not establish individual or collective rights for the speakers of regional or minority languages; it sets out the obligations of states and their respective legal systems with regard to the use of these languages, but it also leaves governments considerable discretion in implementing the right to use these languages in public.

It is actually intended to recognize once for all minority language, their existence and the right to their use, rather than to accord specific rights. The document is divided into four parts:

- Part I, defining the purpose of the Charter and its terms of reference;
- Part II, including a list of basic principles that must be implemented by states;
- Part III containing more specific provisions allowing the states to decide freely whether to apply a provision for a given minority language;
- Part IV establishing measures for the application of the Charter.

In brief, it can be considered a legal instrument to protect language rights of minorities only indirectly and cannot be compared, in terms of legal and political weight, to the Framework Convention.

### 2.2.2 – *In the framework of CSCE / OSCE*

As we have mentioned in the absence of a general covenant on linguistic rights and rights of minorities the CSCE, renamed OSCE in 1994, tried to fill the gap. The work of the OSCE flows from the so called Human Dimension approved by the CSCE in Helsinki in 1975.

The Document of the Copenhagen Meeting of the CSCE (1990) can be regarded as the first major international instrument on minority rights to have been produced in the post-Cold War era, as well as one of the most important ones. It in fact contains elaborate positive provisions for minority rights which reflect the growing salience of such rights in a world characterized by an upsurge of ethnic nationalism. This document relates the CSCE's concern with minority issues to a set of crucial values that were to gain greater international acceptance than ever in the aftermath of the great East-West divide. The participating States recognize that minority question "can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary".<sup>19</sup> Further they reaffirm that "respect for the rights of persons belonging to national minorities as part of universally recognized human rights is an essential factor for peace, justice, stability and democracy in the participating States".<sup>20</sup> Minority rights are therefore seen as a prerequisite for peace, justice and stability. The Document does not contain treaty provisions (it is therefore not binding), though its impact on the status of minorities in European countries has been impressive.

---

<sup>19</sup> CSCE, *Document of the Copenhagen Meeting*, 1990, IV (30).

<sup>20</sup> The States declare that the status and treatment of national minorities are matters of legitimate international concern and consequently do not constitute exclusively an internal affair of the respective State.

The document provides a wide range of substantive rights applicable to minorities and also monitoring procedures. For example, it states that persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will. Among their rights the most relevant are the free use of their mother tongue in private and public, and the establishment and maintenance of their own educational, cultural and religious institutions. The Copenhagen Document also places specific obligations on States. They will, for instance, “protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity”.<sup>21</sup> States “will take the necessary measures to that effect’ after consulting the minority groups. The right to instruction for/in their mother tongue shall be guaranteed in conformity with national legislation. Another is the right of members of national minorities to “effective participation in public affairs”, including matters relating to the “protection and promotion of the identity of such minorities”.<sup>22</sup> One possible means to this end is to establish “appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities”.

The Charter of Paris for a new Europe, adopted in 1990, reaffirms on the one hand the rights of national minorities and on the other the obligations of States towards these minorities. The Charter recognizes both the normative and practical considerations behind the recognition of minority rights. Participating States affirms that in the new Europe “friendly relations among our peoples, as well as peace, justice, stability and democracy, require that the ethnic, cultural, linguistic and religious identity of national minorities be protected and conditions for the promotion of that identity be created”.<sup>23</sup> National minority issues can only be resolved satisfactorily in a democratic political framework, and the rights of national minorities “must be fully respected as part of universal human rights”.

In 1991 the heads of state and governments decided to convene an expert meeting to be held in Geneva. The text reaffirmed the Copenhagen principles that persons belonging to national minorities have the right to their identity free of any attempts of assimilation against their will; the meeting also emphasizes the internationalization of minority rights. In a follow-

---

<sup>21</sup> CSCE, *Document of the Copenhagen Meeting*, 1990, IV (33).

<sup>22</sup> *Ibid.*, IV (35).

<sup>23</sup> *Charter of Paris for a new Europe*, 1990.



up meeting in Helsinki in 1992 a OSCE High Commissioner On National Minorities was appointed as an instrument of conflict prevention with regard to national minority questions. Over 50 States participated in a conference in Paris in 1994 to set up a Pact of Stability in Europe. It is not strictly speaking an OSCE document since it was convened on initiative of the European Union but it is monitored by the OSCE. In a Concluding Document, the States affirmed their will to create a climate of confidence which will be favourable to the strengthening of democracy, to respect for human rights and to economic progress and peace, while at the same time respecting the identities of peoples – the latter an evident reference to the status of national minorities. Here is also clear the connection between regional stability and the destiny of national minorities: the document in fact declares that the promotion of good neighbourly relations, necessary to stability, requires in turn the resolution of minority issues.

The structural flexibility of the OSCE standards is reflected in flexible standards. The OSCE instruments do not have the nature of treaties- they are political, non-legally binding documents; though, even being soft law rules, the provisions are developing into customary law through state practice and *opinio juris*. Overall, the contribution of the OSCE to the development of minority rights standards is considerable.

In 2008 the OSCE published a document that hasn't had large diffusion yet in spite of its importance: the Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations. It includes 19 individual Recommendations divided into four sections:

- general principles, emphasising the primary responsibility of the host-state towards its minorities;
- State obligations regarding persons belonging to national minorities, in particular the obligation to offer equality before law, to preserve their cultural identity, to strengthen the social cohesion giving voice to minorities on issues affecting them directly and to allow contact across frontiers.
- benefits accorded by States to persons belonging to national minorities abroad, in particular all support for minorities abroad should be non-discriminatory, and undertaken with the consent of the state of residence; any support should be limited to the fields of culture and education; states should be consistent in the level of benefits offered to minorities in their own jurisdictions, and between minorities in different states.
- multilateral and bilateral instruments and mechanisms.

### 2.2.3 - *In the framework of the E.U.*

While the U.N., the OSCE and the Council of Europe have unfolded a broad range of activities on the issue of ethnic minorities, the E.U. seems to be much less engaged. The causes are numerous. Amongst others:

- (i) The integration process of the European Communities was until the establishment of the E.U. limited primarily to the economic field.
- (ii) Minority issues have been traditionally considered a classical core affair of the single states and they are therefore reluctant to include this matter in E.U. powers.
- (iii) The E.U. cannot be defined as a classical international entity; instead, it is a supranational one: this means that it is more difficult to apply such full fledged solutions in the European integration which would belong to the sphere of political or quasi- legal measures.

It is important to underline that the Framework Convention hasn't been accepted yet as part of the EU law. Actually no contractual article within the *acquis communautaire* could be applied to the protection of minorities before Amsterdam treaty (1997). Nowadays the highest – level reference which can be applied to the issue is article 3 referring to the combat of discrimination based on “racial or ethnic origin, religion or belief”.

The leading officials of the E.U. have always considered the protection of minorities rights as a condition of international security and stability, though no coherent policy has been developed so far, neither have the member states found a common denominator with regard to the existence of minorities.

The activities of the E.U. relating to minority protection have remained rather scarce; however, they can be divided into four main groups:

- 1) provisions contained in the Treaties;
- 2) measures of political character;
- 3) measures of technical character;
- 4) measures taken in the framework of the E.U. foreign policy;
- 5) not minority oriented policies but still relevant to minority issues.

1) Specific minority concerns entered, albeit indirectly, the new stage of European integration opened up by the Maastricht Treaty (1992/1993) through the inclusion of art. 151 of the EC Treaty. It recognizes that no member State is culturally homogenous and it calls on members States to respect their national and regional diversity.

Treaties do not contain norms which specifically protect minorities, primary law offers through Article 13 TEC on anti-discrimination policy a prominent competence base which is central for protecting minorities in the context of EU law. This is the legal basis upon which the Union can develop more initiatives in its minority policy. The Amsterdam Treaty (1997/1999) provided through Article 13 TEC a provision for combating discrimination on the basis of eight further listed grounds: sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. These two articles offer minorities only “negative minority rights”, that means minorities are protected by the general principle of non-discrimination.

With the Treaty of Lisbon the word “minorities” finally was inserted into a text of E.U. primary law: “*the rights of persons belonging to minorities*” was added in Article 1a as one of the values on which the Union is founded. In addition, the E.U. Fundamental Rights Charter, which does not contain rights that specifically protect minority groups but again insists on the non-discrimination principle and encourages Member States to respect cultural, religious and linguistic diversity, becomes a legally binding part of EU primary law.

However the Lisbon Treaty should not emphasized too much: it does not provide the EU with an explicit competence in the area of minority rights; it does not add any new policy area relevant to the protection of minorities; and it does not oblige Member States to introduce affirmative actions in order to protect their minorities.

The European Council in Amsterdam placed the legal basis for stronger consideration of the issue of minority rights within the E.U. through art. 6.<sup>24</sup>

2) Among the European institutions the Parliament is the organ which has shown the most intensive interest in minority issues. These are naturally mainly measures of political character (the Parliament does not have legislative power) in promotion of cultural diversity and preservation of cultural heritage. The following resolutions dealing with the rights of ethnic and linguistic minorities living within the E.U. have been approved:

---

<sup>24</sup> “The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to Member States...”

- Resolution on a Community Charter of Regional Languages and Cultures and on a Charter of Rights of Ethnic Minorities (1981), recommending national governments and local authorities to promote the teaching of regional languages and cultures in all levels of instruction, to grant opportunities for these languages in local radio and television and to ensure that individuals are allowed to use their own language in public life and before courts.
- Resolution on Measures in favour of Linguistic and Cultural Minorities also called Afré Resolution (1983), calling on the Commission to take practical measures for the enhancement of opportunities for the use of minority and regional languages;
- Resolution on the Languages and Cultures of the Regional and Ethnic Groups in the European Community also called Kujpers Resolution (1987), recommending the extension of language use in the mass media and the cultural, social and economic life, as well as administrative measure of officially recognizing surnames and place names expressed in a regional or minority language and the adoption of such languages in public concerns, consumer information, product labelling and on road and other public sign and street names.
- Resolution on Linguistic Minorities in the European Community on the basis of the so called Killilea report (1994). According to this resolution the member states should recognise their linguistic minorities and create basic conditions for the preservation and development of minority languages, by encouraging them in the sphere of education, justice, public administration, media, topographic names and other sectors of public life and cultural life.

Moreover, the Parliament called on the member states to ratify the European Charter for Regional or Minority Languages of the Council of Europe with urgency and it makes mention of minorities generally in all of its resolutions and documents which are dealing with human rights and the combat against racism. Even though the measures regarding the protection of minorities adopted by the E.U. were generally only of political nature, the Court has not excluded the possibility of having the rights of minorities become part of the legal principles of the Community.

3) The E.U. has shown more effort in measures of technical nature in the field of promotion of institution and activities sustaining ethnic minorities. Through EBLUL (European Bureau for lesser used languages) it has commissioned a huge number of studies related to

minority issues.

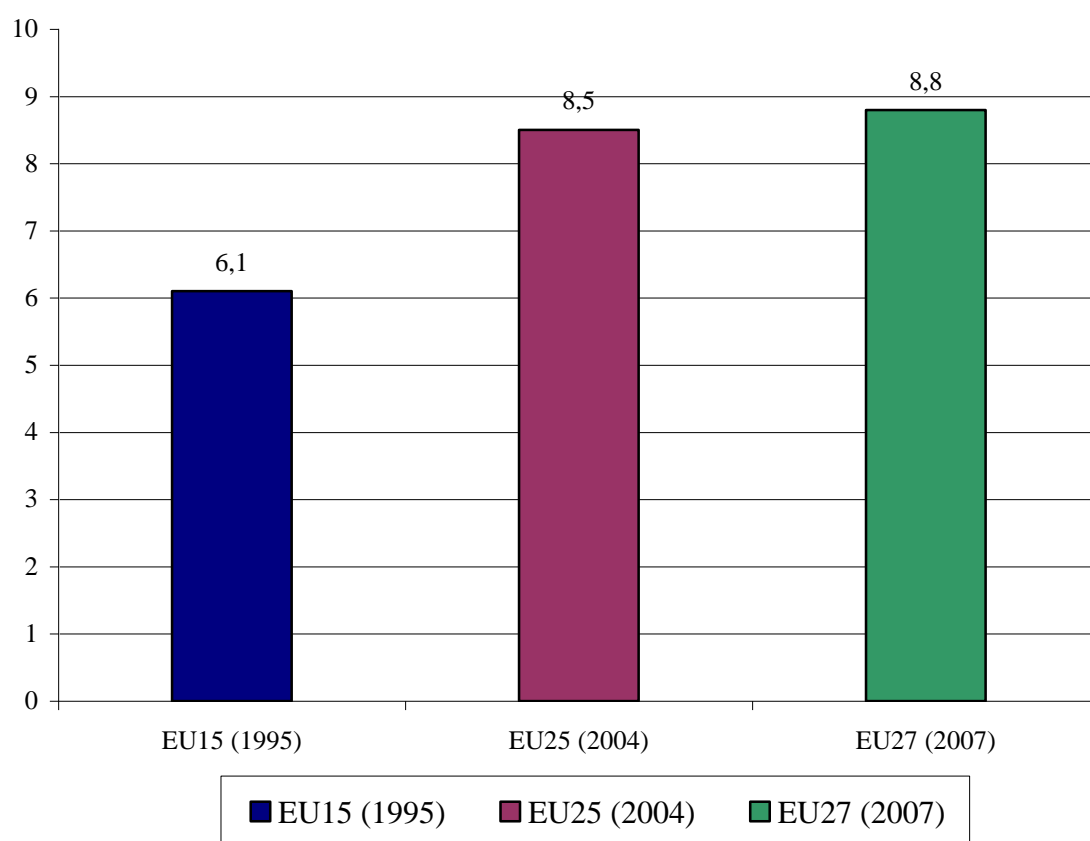
4) The E.U. in the early 1990s made respect for the rights of national minorities a formal condition for the accession of new members, for the extension of unilateral commercial preferences to countries, and for benefits under the Union's assistance programmes. This is the noteworthy Copenhagen criteria approved by the European Council in 1993, according to which the respect of minority rights is a structural principle of the enlargement process. In strict sense this principle is not legally binding but it must be applied to any further accession.

5) The last point to be mentioned is the respect of the rights of minorities reiterated by the Parliament (but not only) in resolutions against racism, xenophobia and discrimination and they are part of the general human rights policy, anti-racism policy, refugee policy,... In 1999 the Cologne European Council decided the preparation of a Charter of Fundamental Rights of the European Union, which was approved in occasion of the Nice European Council in 2000. The text develops the anti-discrimination approach as it embodies a provision on equality before law and a general clause prohibiting discrimination. It also contains a minimum "standard clause" (art. 5) as far the treatment of minorities concerns. The document follows however a minimalist approach and it is non-legally binding.

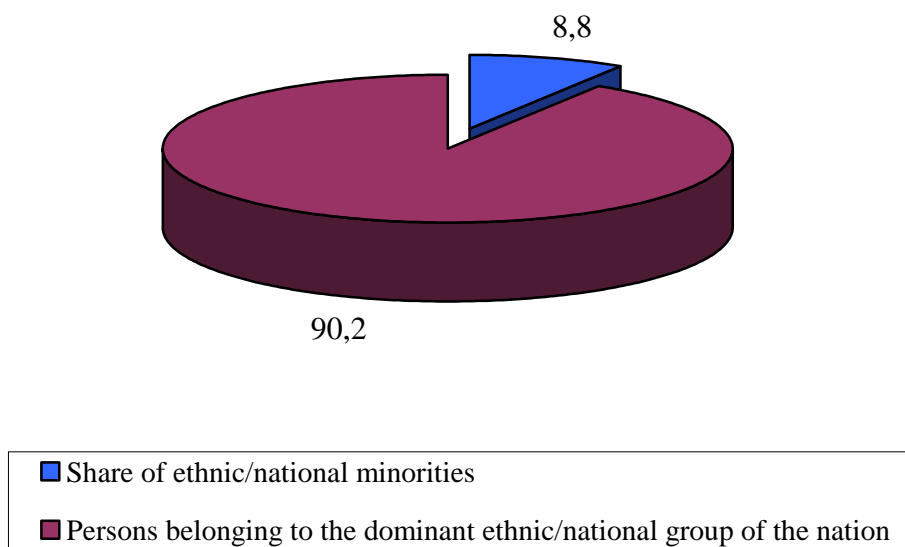
In brief, there is an increasing tendency to minority protection in the E.U. system, though it has failed to establish a clear-cut reference to this principle. Strict basic rules were still not elevated to primary E.U. law.

Looking at the E.U. minority policy entirely, it seems to be inconsistent or, at its best, ambiguous: the legal instruments are still completely lacking and also the political ones failed to give a unified view. Considering that in Europe there exist more than 320 national minorities, and that they in total represent almost 9% of the European population, the European Union won't be able to leave the problem of minority protection unsolved for a long time ahead. As graph 4 shows, the share of minorities is growing with the enlargement.

**Graph n. 3. Share of minorities on total E.U. population in different phases of enlargement**



**Graph n. 4. EU 27: Share of minorities on total population**



*Source: C. Pan, B. Pfeil, National Minorities in Europe, Ethnos, Vienna 2003*

In conclusion, it has to be recalled that nor in the E.U. law system nor in the external relations there are still no fully binding provisions on the issue of minority protection, but just political declarations and accession criteria. In spite of a growing interest, the activities of the institutions are not entirely consistent in drawing upon existing international standards and/or reveal deficiencies with regard to clarifying those standards on which to focus for implementation purposes.

Certainly the E.U. has not shown an effort in establishing new norms in the field of the international protection of minorities. The Framework Convention appears to be as a guideline in the European context but it hasn't become part of the *acquis communautaire* yet.

However, this does not mean that within the the E.U. framework it is not possible to detect any common standards for minority protection.

### 2.3 - Existing standards of minority protection in Europe

The very basis for the application of minority rights provisions is no doubt the definition of the national minorities within the legislation of a given country. The key point is to “provide a definition that allows for the successful pursuit of national minorities’ interests and aspirations and that is, on the one hand, receptive to the needs of smaller [...] minorities and, on the other, not too inclusive”.<sup>25</sup>

Each country, drawing on the definitions set out in international documents and in order to give application to them, is therefore called to:

- provide a clear definition of national minority;
- list the national minorities within its territory;
- define clear criteria to identify them;

To this regard, general differences in the protection regimes can be noticed between the practice of Western and Central/Eastern European countries. Several Western countries tend to:

- enumerate the national minorities (*numerus clausus*) but without giving a definition;
- give a definition of national minority but without mentioning them explicitly;
- limit the protection to a specific area.

In Central/Eastern Europe there is a tendency to elaborate status laws on national minorities including reference to:

- citizenship;
- group or community explicitly;
- the territory in one form or another is mentioned;
- the ethnic, cultural, linguistic and traditional differences that national minorities possess.

By analysing the attempts at minority protection based upon human rights at the

---

<sup>25</sup> C. Decker, A. McGarry, *Enhancing minority governance in Romania: The Romanian Draft Law on the status of National Minorities: issues of definition, NGO status and cultural autonomy*, ECMI Report, European Centre for Minority Issues, Flensburg 2005.



international level, we can state that collective rights of minorities, however they are perceived, include not only the fundamental right to official recognition and the right to existence and identity, but other fundamental rights which must be considered as a milestone in any evaluation:

1. the right to use one's own language in the public sphere and public life;
- 2 . the right to education in one's native language;
3. the right to establish separate associations and organizations;
4. the right to exchange information and mass media in one's native language;
5. the right to maintain contact with the kin-State (if there is one) or with other people and institutions abroad sharing the same culture;
- 6 the right to political participation; with this regard Pan/Pfeil distinguish three types of participation:
  - a. proportional representation;
  - b. equal representation in case of vital interests of the minority itself;
  - c. autonomy and self-governance (this last criteria is though not always applicable since it depends very much on the structure of the hosting nation- state).

That said, and drawing on Miall's work,<sup>26</sup> it is possible to make a summary of existing standards generally approved by European States:

- ❖ Members of national minorities are full citizens of their States and make a valuable contribution to the life of society.
- ❖ Persons belonging to minorities should have the same rights and duties of citizenship as the rest of the population, which of course vary according to the country.
- ❖ Friendly relations between peoples, peace, democracy, justice and stability require that the ethnic, cultural, linguistic and religious identity of national minorities be protected by the State, which is also responsible for creating conditions to promote that identity.
- ❖ Association with a national minority is voluntary for a person and no disadvantage may result from the exercise of such choice.

---

<sup>26</sup> H. Miall, *Minority Rights in Europe: The Scope for a Transnational Regime*, Pinter Publishers, London 1994.

- ❖ Compulsory assimilation of members of a national minority into the majority population is inadmissible.
- ❖ Minority rights are part of universally recognized human rights.
- ❖ There should be free use of a minority language in private and in public. The latter includes education in the mother tongue, the use of the language in the media and in communication with and from State/regional authorities.
- ❖ There should be a democratic framework within which minority rights are exercised.
- ❖ Minorities should participate in public decision-making at all levels of government, especially on matters directly affecting their vital interests.
- ❖ States should create conditions and mechanisms for the effective involvement of national minorities in public sphere (including economic activities).
- ❖ States should respect the right of minorities to maintain their own organizations and encourage their activity.

There is also a general acceptance of the fact that issues concerning national minorities are matters of legitimate international concern and do not exclusively constitute an internal affair of the State in question.

It goes without saying that the existing international obligations of States are in various ways reproduced, interpreted, modified or even ignored in their internal legal orders. Constitutions and various other municipal acts contain provisions on minority rights, and these are the most relevant to study in order to understand the real level of protection. Contrary to the protection of the rights of the individual, the international legislation on the protection of minorities has attained rather meagre results. However, a remarkable change in the general attitude towards ethnic minorities has occurred; minority rights have clearly acquired more legitimacy as a subject on the international agenda. Let us now see what is the level of protection in Slovenia and Sweden. But before that, let us consider the actual ethnic structure of these territories.



## **PART II**

### **EVALUATION OF MINORITY RIGHTS IN SLOVENIA AND SWEDEN**

## **INTRODUCTION TO PART II**

The second part of the work is dedicated to the specific object of the dissertation, i.e. minority protection in Slovenia and Sweden. Each country will be dedicate one entire chapter. The ethnic structure will be analysed and the status of the different typologies of minorities will be analysed. As we shall see, both States can be historically considered rather homogeneous from an ethnic point of view, in spite of relatively recent migrations. Experiencing – at least on the paper- a low degree of interethnic tensions, they are particularly interesting to be analysed at the light of European existing standards on minority protection.

National minorities' features will be presented. Further on, specific minority policies will be analysed, also with an eye to the historical evolution and especially the turning point of the E.U. access.

The aim is to provided a complete framework of the minority protection model and its main characteristics. Therefore, some legal point will have to be underlined, in particular, international agreements binding the State, as well as cross- border cooperation agreements providing obligations and rights for national minorities, constitutional provisions and internal laws.

We will be specifically looking at six main headings, taking suggestion from the Framework Convention on the Protection of National Minorities, which will be the main document with respect to which minority policies will be analysed.

The main sources used for this part are relevant books and journals, relevant internal and international legislation, relevant official websites, State reports on the implementation of the Framework Convention and the Charter for Regional and Minority Languages, opinions of the Council of Europe, governmental reports, official Gazettes and informal contacts and interviews with experts. Some maps which have been found at governmental bodies and specialized institutes have been annexed to the text.

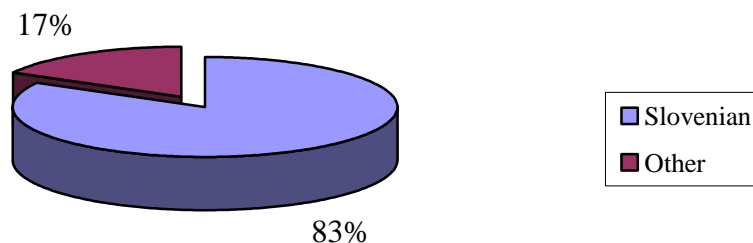
## **CHAPTER III**

### **MINORITY PROTECTION IN SLOVENIA**

#### **3.1 - Ethnic structure of Slovenia**

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.<sup>1</sup> According to several authors, considering the percentage of Slovenes in regard to the totality of population of the Republic of Slovenia, it is possible to maintain that, in comparison to several other countries, it can be defined as an ethnically homogeneous country (see Graph n. 1). The most recent changes of state border has left the country a collection of members of non- Slovene ethnic groups and the independence changed the status of the immigrant groups; these events somehow changed the number of the members of the different ethnic groups, though the percentage of the ethnically Slovene population did not change considerably and remained largely dominant. According to the last census (2002) it represents about 83% of the total population of Slovenia.

**Graph n. 1: Ethnic structure of the Republic of Slovenia**



*Source: Statistical Office of the Republic of Slovenia, Population Census, 2002.*

The Slovene population dominated in all periods but was almost never homogeneous, with the exception of a decade or two after World War II. It appears then more correct to speak about a relative homogeneity, which is however “jeopardized” by a relevant presence of ethnic minorities and immigrant communities. The ethnic pluralism, though, is not a feature only of the most recent historical period: different groups and ethnic or cultural communities have always coexisted in these territories, since pre-ancient times.<sup>2</sup> A peculiarity of the ethnic structure of Slovenia is that it has changed continuously, even in short time. The exposed geopolitical location of the Slovene territory and its position between much more populous neighbours gave it great strategic significance in almost all historical periods. For this reason, the pressure on its territory has always been very strong and the sequence of various governing powers fostered the change of political borders and the ethnic structure of the population, which changed a great deal in the last century.<sup>3</sup>

Slavic ancestors of the present-day Slovenes settled at the end of the sixth century in the valley of Drava, Mura and Sava Rivers. These Slavic tribes, were submitted to Avar rule before joining the Slavic chieftain Samo's Slavic tribal union. Afterwards, the Slavs of Carniola again fell to Avar rule, while the Slavs north of the Karavanke established the independent principality of Carantania. Slovenes were conquered in the ninth century by Franks and Germanic Bavars. Over the centuries, the original Slovenes underwent germanization.

At the beginning of the nineteenth century, in much of the original Slovenian ethnic territory, that is Carinthia, Carniola and Styria, German was the language of the wealthy classes as well as of administration. Italians lived in the towns of the Coastland and the Slovenian language persisted only among the rural population. An early stimulus to Slovenian national and ethnic consciousness was Napoleon Bonaparte's establishment of unified rule in the region then known as the Illyrian provinces, which encompassed most of Slovenia. Afterwards, the authorities in Vienna founded the Kingdom of Illyria (in 1816), which belonged to the German Union. However, there a Pan-Slovenian national consciousness was not existing yet at that time.

---

<sup>1</sup> For example S. Novak Lukanovic, *Manjšine in čezmejno sodelovanje v prostoru Alpe-Jadran*, Alpe-Adria Working Community, Trento 2005.

<sup>2</sup> Ibid.

<sup>3</sup> See J. Zupančič, *Ethnic structure of Slovenia and Slovenes in neighbouring countries* at <http://www.theslovenian.com>.

Slovenes from Carniola were identified as Krajnci, those from Styria as Štajerci and those from Carinthia as Karošci. In the second half of nineteenth century, the traditional spirit of collaboration with and loyalty to the German –speaking Austrian authorities waned as the gravitational pull toward unification with Croats grew stronger.

At the turn of twentieth century, Slovenes inhabited four provinces belonging to the Austrian Empire: Styria, Carinthia, Carniola and the coastland. The ethnic composition of these provinces was complex, encompassing solidly Slovenian areas as well as borderlands where ethnic German, Italian and Croat populations overlapped with Slovenes. According to the last census taken by the Austro-Hungarian Monarchy in 1910 (table 4),<sup>4</sup> the population of the territory of today's Slovenia included 82% Slovenes, almost 10% Germans, 2% Italians. Hungarians are actually not explicitly taken into account: they fall into the rubric "others" but according to estimates they were likely to represent about 1, 5% of the population. From this table we see that the total number of the Slovenian population was at that time close to 1,2 million.

Present-day Slovenia encompasses almost all of Carniola, a large part of Styria and a very small part of Carinthia (less than 5%). The coastland was divided into three parts, roughly corresponding to the city of Trieste now belonging to Italy, the Istrian peninsula, belonging now to Croatia, and Primorje, the central part which is now part of Slovenia.

**Table n. 4: Ethnic structure of the Slovenian territories belonging to the Austrian Empire, 1900**

Province	Total population	Slovenes	Croats	Germans	Italians	Others
Styria	1,313,300	409,500	-	902,300	-	1,500
Carinthia	360,800	90,500	-	267,000	-	3,300
Carniola	504,300	475,300	-	28,000	-	1,000
Coastland	714,400	213,000	143,600	19,500	334,200	2,100
Total	2,890,800	1,188,300	143,600	1,216,800	334,200	7,900

Source: P. Eberhardt, *Ethnic groups and population changes in twentieth-century Central-Eastern Europe: history, data and analysis*, Armonk; London: M.E. Sharpe 2003, pp. 339-340.



The ethnic composition of the population inhabiting the territory of interwar Slovenia in the year 1900 is the following (table 2) <sup>5</sup>:

**Table n. 5: Ethnic structure of Slovenia as delimited by the World Wars, 1900**

<b>Ethnic group</b>	<b>Population</b>
Slovenes	917,00
Germans	106,400
Hungarians	21,300
Others	19,100
Total	1,063,800

*Source: P. Eberhardt, ibid, p. 341.*

This table is quite incomplete; the most obvious consideration is that it does not take into account the Italians at all. It is not even possible to make an esteem on the basis of further results, as there are not detailed census by ethnic affiliation dating back to the early period of Yugoslavia which takes into consideration only the ethnic groups of Slovenia (and not of whole Yugoslavia).

The turn of the twentieth century was also a period of large Slovene exodus when almost half million people left Slovene territory between 1870 and 1914. The population began to rapidly change after the disintegration of Austro-Hungarian monarchy, when German and Hungarian populations became minorities in the new country of Yugoslavia. For example of the pre-war 106,400 Germans, only 42,000 were left in 1921, after only few years; the number of Hungarian decreased more slowly.<sup>6</sup> Both communities grew smaller, partly because emigration and partly because of an objective or merely statistical change of (ethnic) identity.

On the other hand, the number of Italians increased because Italy occupied Western Slovenia following the Treaty of Rapallo.<sup>7</sup> Slovenes moved therefore away from the region. However, as we can see from the population census was carried out in 1931, the overall demographic growth had been quite significant.

---

<sup>6</sup> See J. Zupančič, *ibid*.

<sup>7</sup> Resulting from the British-Italian London Agreement.

After World War II population increased even more as Slovenia acquired certain territories at the expense of Italy; and that's when composition of the population changed dramatically: in spite of the great number of victims among Slovene population,<sup>8</sup> the Republic started to show a rather ethnically homogeneous character: in 1948, about 97% of the population was Slovene). Immediately after the war, in fact, virtually all the Italians left Slovenia- only about 1,500 remained. Most of Germans and Hungarians also left the country. As the years went by, however, the share of Slovenes in the total population of the Republic decreased constantly, owing to the influx of population from other Yugoslav republics. The number of immigrants soon outnumbered the number of Slovene emigrants and Slovenia became an immigration country. Yet in spite of these trends, Slovenia was and still is one of the most ethnically homogeneous countries in Europe and for sure the most homogeneous one among Balkan countries (see table 6).<sup>9</sup>

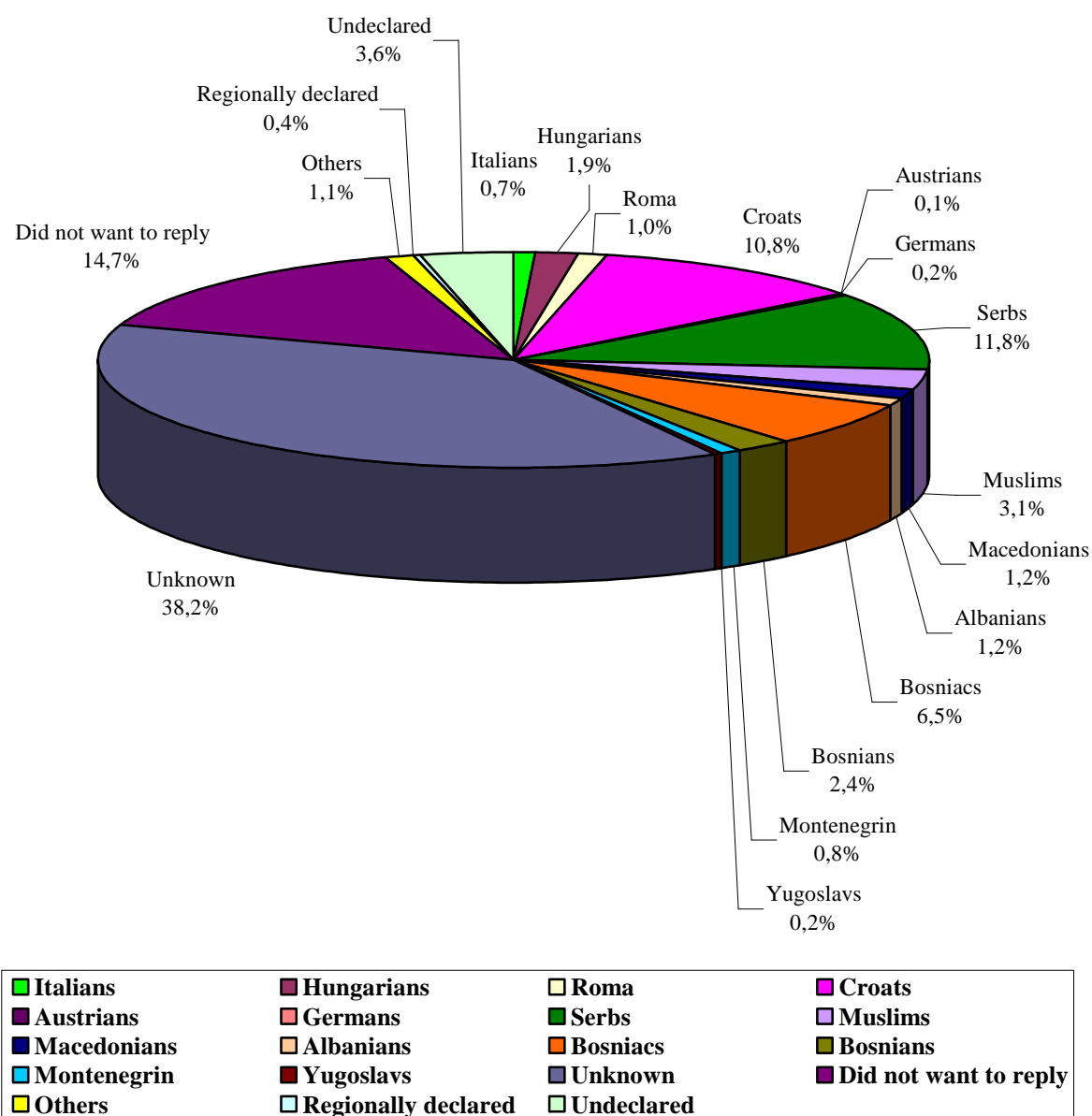
**Table n. 6: Population by ethnic affiliation, 1953 – 2002**

<b>Ethnic affiliation</b>	1953	1971	1981	1991	2002
<b>Total population</b>	1466425	1679051	1838381	1913355	1964036
<b>Slovenes</b>	1415448	1578963	1668623	1689657	1631363
<b>Italians</b>	854	2987	2138	2959	2258
<b>Hungarians</b>	11019	8943	8777	8000	6243
<b>Roma</b>	1663	951	1393	2259	3246
<b>Serbs</b>	11225	2029	41695	47401	38964
<b>Austrians &amp; Germans</b>	1892	466	455	424	680
<b>Croats</b>	17978	41556	53882	52876	35642
<b>Bosniacs</b>	-	-	-	-	21542
<b>Others</b>	2135	42002	56117	67424	97804
<b>No data</b>	211	1154	5301	42355	126325

Source: Statistical Office of the Republic of Slovenia, census of population by ethnic affiliation, <http://www.stat.si>.

<sup>8</sup> According to J. Zupančič (ibid.), fights, deaths in concentration camps and post-war mass executions took up to 80,000 Slovenes. Moreover, more than 20,000 Slovenes settled in different countries as refugees and displaced persons and more than 40,000 Slovenes were deported from their homes in the German part of occupied territory.

**Graph n. 2: Population of the Republic of Slovenia of non- Slovene ethnic affiliation**



Source: Statistical Office of the Republic of Slovenia, Population Census, 2002

It's mostly during the period from 1961 to 2002 that the ethnic structure of the population of Slovenia has changed considerably. Between 1961 and 1991 the number of non-Slovenians from the former Yugoslavia has tripled. In the period between 1991 and 2002, however, due to lower immigration, due to changes in ethnic self-declaration, due to a large share of ethnically non-declared population, and due to changes in the ethnic self-determination of immigrants' offspring, etc., the number of non-Slovenian population has diminished by almost 25.000 in the last population census.

The proportion of ethnical Slovenes dropped to 88% in 1991 and to 83% in 2002. According to the last census the Italian, Romany and Hungarian minorities represent 0,7%, 1% and 1,9% of the population respectively, for a total of almost 4%, and this groups have special minority status and protection. The presence of people from other former Yugoslav republics is much more relevant, but they are not regarded as a minority neither are they protected by Constitution or special laws. Altogether, more than thirty different ethnic groups are present in today's Slovenia.

**Table n. 7: numbers of minorities in Slovenia**

<b>Minority</b>	<b>Numbers</b>	<b>Language</b>	<b>Speakers</b>
<b>Italians</b>	2258	Italian	3762
<b>Hungarians</b>	6243	Hungarian	7713
<b>Roma</b>	3246	Two main varieties of Romany Chib	3834

*Source:* Statistical Office of the Republic of Slovenia, Population Census, 2002

Nowadays, according to the last census (2002), the number of speakers of minority language overcomes in all three cases the numbers collected taken into an account only ethnic affiliation. This fact can be due to two main reasons: one is the fear to declare oneself as explicitly belonging to a national minority, therefore declaring oneself as Slovene or non declaring anything (undeclared); another one is the possible identification with regional identities (for Italians, for example, Istria) connected with settlements where these minorities have lived for centuries: in this case they recognize their mother tongue as not being Slovene but they do not feel ethnically Italians, Hungarians or Roma.<sup>10</sup>

### 3.2 Ethnic minorities and their features

The ethnic communities of the Republic of Slovenia can be divided into four main groups.<sup>11</sup>

➤ The autochthonous Italian and Hungarian minorities, recognized by the Constitution of the Republic of Slovenia of 1991 and whose rights are mainly disciplined by art. 64 Const.

➤ The autochthonous Romany community, also recognized by Constitution, in particular by art. 65. These autochthonous Roma must be distinguished by the non-autochthonous one, i.e. the Roma who immigrated for example as refugees in 1990s.

➤ Ethnic minority communities whose members are citizens of the Republic but which are not defined as “national communities” in the Constitution or in the legal order; therefore they don’t enjoy any specific protection. This category can be divided into two subgroups.

A) Very small autochthonous ethnic communities and their members: that’s the case of a small number of autochthonous inhabitants of German language<sup>12</sup> and Jews who live dispersed in the territory and do not establish a coherent community. Another minority, a Serb one, can be found in 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; nevertheless, as

---

<sup>10</sup> The estimations of researchers, experts and institutions on the number of Roma in Slovenia differ a lot among each other and range between 7000 and 12000. See M. Zagar, *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*. Flensburg, ECMI 2006, p.39.

<sup>11</sup> For a deepening see S. Novak Lukanovic, *Manjšine in čezmejno sodelovanje v prostoru Alpe-Jadran*, Alpe-Adria Working Community, Trento 2005, p.285.

<sup>12</sup> 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 Karntner, 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. After it has been long believed that a German community in Slovenia no longer existed, a process of revitalization began just as Slovenia reached its independence. In Slovenia’s view, art. 61 establish and guarantees adequate constitutional protection for them.

Slovenian citizens, they enjoy the all rights allowing the maintenance and development of their culture and identity (see art. 16 and 61 Const.).

B) Non autochthonous ethnic minorities and their members, who have Slovenian citizenship and who arrived in Slovenia quite recently (after World War II); they are usually defined as “new” or “modern” ethnic minorities. The major part of them is represented by members belonging to the other former Yugoslav nationalities who obtained Slovenian citizenship according to art. 40 on the Law of Citizenship. The country has granted citizenship to the majority of members belonging to ethnic communities from the countries of former Yugoslavia that resided in Slovenia and who had there permanent residence prior to country’s independence and applied within 6 months after the publication of the law, nevertheless a great number of people failed to apply or was rejected the citizenship and at least 18,000 persons (that’s almost 1% of the total population) were “erased” from the register of residents; according to the 1999 Constitutional Court Decision, the erasure was unlawful and unconstitutional: Slovenia tried to solve the problem with the Law on Regularization of the Status of Citizens of the Other Successor States to the Former SFRY in the Republic of Slovenia which gave chance to apply for permanent residence permits within 3 months from entry into force of the Act (that were once already taken away from them) and to retrieve lost statuses *ex nunc*; accordingly to that, about 4,000 statuses were recognized.<sup>13</sup>

➤ Immigrants who are not Slovenian citizens but who reside temporarily or permanently in Slovenia for different reasons (mainly employment). These people are generally called in the literature newly emerged minorities or new- era minorities, opposed to the historical and “privileged” ones. Among them it is possible to find people from former Yugoslav Republics, from other States belonging to the E.U. (Czechs, Ukrainians and others) and from extra European countries (especially Chinese, Indians and Pakistani).<sup>14</sup> Immigration has been increasing annually at an average rate of 50% since its accession to the European Union in 2004. According to Eurostat figures<sup>15</sup> Slovenia has seen the third highest increase in immigration in the EU in the year 2007. Among foreigners who immigrated to Slovenia after the E.U. accession, on average 85% are citizens of ex-Yugoslav Republics, most of them

---

<sup>13</sup> In 2010, following a 2003 Constitutional Court ruling, Slovenia’s Interior Minister Katarina Kresal pushed through an amendment in order to start granting retroactive residence permits to the “erased”.

<sup>14</sup> Immigrants constitute in Slovenia about 11% of the population, if we take into account both members of various Yugoslav nations (most of whom have obtained Slovenian citizenship) and “typical” immigrants, i.e. those who do not enjoy citizenship rights.

are citizens of Bosnia and Herzegovina, followed by citizens of Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Croatia.

The ethnic communities differ considerably among each other and cannot be treated in the same way. Slovenia decided to accept the highest international standards for the protection of minorities; though, for historical reasons and in conformity with the Constitution, it also decided to provide a special treatment for the Italian and Hungarian autochthonous minorities.

<sup>16</sup> It is then possible to State that the Republic of Slovenia has two traditional national minorities - Italian and Hungarian national minority - and a special Roma ethnic community. The following table will be helpful to resume the situation.

We shall now concentrate on the category of the three Slovenia's historical ethnic minorities which are granted (even if in different extent) collective rights. Before doing that it is necessary to present the main features of these communities.

**Table n. 8: Status of the ethnic communities in Slovenia**

<b>Italians</b>	<b>Hungarians</b>	<b>Roma</b>	<b>Austrians &amp; Germans</b>	<b>Serbs</b>	<b>Jews</b>	<b>Others</b>
Autochthonous community	Autochthonous community	Autochthonous community	Autochthonous communities	Small autochthonous community	Small autochthonous community	Non autochthonous communities
Recognized as national community	Recognized as national community	Not recognized as national community	Not recognized as national community	Not recognized as national community	Not recognized as national community	Not recognized as national community

<sup>15</sup> See <http://www.epp.eurostat.ec.europa.eu>

<sup>16</sup> Although there are not universally accepted and 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.

### 3.2.1 - Italians

The Italian national community (officially numbering 2,258 persons) is settled in three coastal municipalities (Koper/Capodistria, Izola/Isola, and Piran/Pirano) of the border region adjacent to Italy, the Primorska (Littoral) historical and geographical region and the Obalno-kraška (Littoral-Karstic) statistical region. There is a presence of Italians also in the Goriška statistical region, though it is not possible to speak about a substantial Italian community in this area; the only autochthonous area of settlement of the Italian community is Slovene Istra. the proportion of Italians in the total number of inhabitants is somewhat more pronounced only in the town of Strunjan/Strugnano (approximately 20%), while elsewhere it rarely exceeds 10% with the total percentage being under 5%.<sup>17</sup>

Most of the Italian minority in Slovenia – some 75% - live in urban centres, where they represent only a small portion of the population. The size of the Italian population was significantly higher than before World War II, in fact after the annexation of Istria to Yugoslavia between 20,000 and 35,000 people of Italian nationality moved from this region. According to the census of 1910, the Italian population represented the majority population in the coastland, ranging from 70% to 80%.

The most recent population census in Slovenia (2002) shows a significant decrease in the members of the Italian minority. It should be noted, however, that the number of Slovenes (88.31% in 1991 and 83.06% in 2002) and other national affiliations also showed significant decreases. According to Klemencic and Zupancic,<sup>18</sup> the reasons for the statistical decrease in the numbers of the Italian minority can be found mostly in the changed methodology of the census rather than in actual sociological factors. During this period, there was no significant emigration of ethnic minorities and no significant pressures for emigration. Possible methodological changes include the fact that in 1991 and previous censuses, one member of the family identified nationality for the whole family, while in 2002 each person over fifteen years old was allowed to tell the census takers his or her ethnic identity. At the time of the census, many people were not available to report their ethnic identity to the census takers. It was

---

<sup>17</sup> For a deepening, see *Narodnosto mešano območje v SR Sloveniji, Prekmurje, Slovenska Istra*, in: "Geographica Slovenica", 16, 1985, p.52.

<sup>18</sup> See M. Klemencic . & J. Zupancic, "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, 2004, p. 853-896.



possible for them to send a subsequent Statement of ethnic identity to the census commission, but many did not do so. Therefore, some 126,325 actually lived at their official permanent residence. both because of low vitality coefficients and, above all, because of migration flows from inner Slovenia and persons (6.43% of the population of Slovenia) are included under the rubric "ethnic identity unknown". In 1991, the number had been only 2.21%. In addition, emigrants who were temporary workers abroad were not included in the 2002 census. It included only those who other former Yugoslav Republics. Moreover, it should be noted that the number of inhabitants who declared their mother tongue to be Italian is much greater than the number of people who declared Italian ethnic affiliation (3,762 (0.2%) according to 2002 census). This means that 1,500 more people have declared themselves as Italians. This could be because of the high rate of mixed marriages and to an unwillingness to declare one's own ethnicity due to the preference of other forms of collective belonging (for example Istrian).<sup>19</sup> The decrease in ethnic identity affiliation in the period 1991-2002 would have been significantly therefore lower if mother tongue was taken into account. In sum, the reduction of the Italian minority group cannot be explained only in terms of assimilation or emigration and the number of Italians in Slovene Istra is likely to be higher than the one of last census.

Following the constitutional changes within Yugoslavia in 1974 (i.e. greater autonomy of individual Yugoslav republics), the Italian community became socio-politically and independently organized within the framework of the newly established Self-Governing Interest Communities of Italian Nationality of Koper, Izola and Piran, and the Coastal Self-Governing Community of Italian Nationality. These organizations serve as an instrument for the protection of the special rights guaranteed to its minorities by the State. In the period of socialist Yugoslavia, the Italian Union (Unione degli Italiani), with its seat in Rijeka (Croatia), was a joint organization of the Italian communities in Slovenia and Croatia. Today it is registered as an association for the preservation and development of the Italian national culture and linguistic identity of the Italian national community. Its purpose is to maintain and foster relationships with the Italian community in Croatia and in the mother nation. It is registered both in Slovenia and Croatia, with seats both in Koper and Rijeka. As previously Stated, members of the Italian community tend to define themselves as such on the basis of language. At the same time a high level of loyalty towards the Slovene State is apparent; they feel

---

<sup>19</sup> See S. Novak Lukanovic, *Manjšine in čezmejno sodelovanje v prostoru Alpe-Jadran*, Alpe-Adria Working Community, Trento 2005, p.290.

Slovene Istria to be their home. The presence of the Italian minority in Slovene Istria is made evident by bilingual public inscriptions, bilingual identity cards and passports, a high number of mixed marriages etc.

Mobilization has occurred within the Italian Union whose activities are no longer limited to the cultural and social, but encompass the sphere of economics and politics as well. After Slovene independence the Italian community started to diversify and its organizations to multiply. Numerous new associations were established not only among the minority population, but the majority as well. Members of the Italian community began to establish new associations on the basis of separate or special interests (sports, music, culture, etc.), on the initiative of the Italian Union, internal differences and disagreements. Associations have played an important role in the socialization of their members and in cultural mobilization following the foundation of the new independent Slovenia. This is in contrast to self-governing associations that remained, at least at the beginning of the 1990s, more or less political entities, a partner in dialogue with the State. Reactions of the majority representatives have been varied. In some municipalities, the community's activity was perceived as a normal democratic process, organizing people according to their private interests. In others, the transition period had evidently not ended and the post-independence outburst of Slovene nationalistic feelings, still prevailed.

In addition, some tensions can be discerned within the Italian community itself, as the interests and authorities of the self-governing organizations and the Italian Union have started to become more complex and to overlap. More accurately, the activities of the self-governing associations and the Italian Union have started to look redundant, though both have played an important role in the preservation of Italian culture and the cultural mobilisation of the Italian community. The Italian Union has become a representative body of the Italian ethnic community in Slovenia, Croatia and particularly in Italy, representing it in interactions with the Slovene, Croatian and Italian governments. Indeed, the Slovene government has consented to the demands of the Italian Union on several occasions.<sup>20</sup>

In the 1991 census, 8,000 persons declared themselves as members of the Italian national community and 8,720 persons Stated the Italian language as their mother tongue.

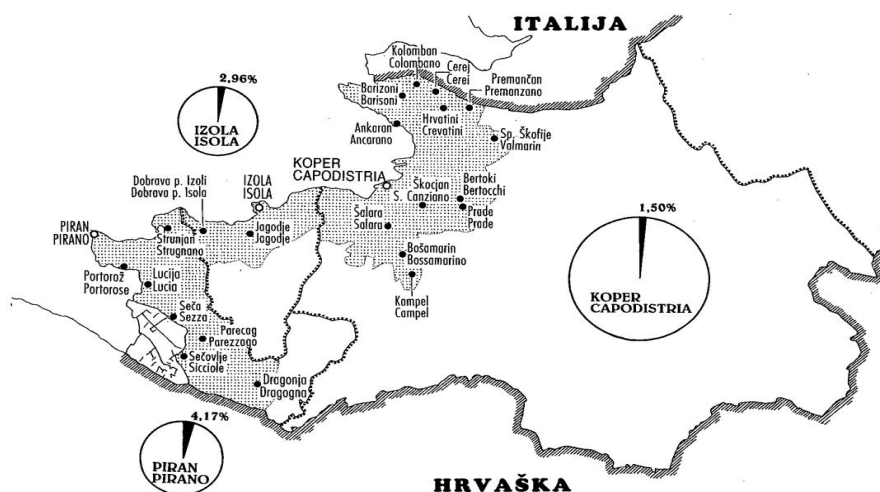
---

<sup>20</sup> See K. Sabec, *Policy report on the Italian Minority in Slovene Istria*, available on <http://www.eliamep.gr>

Map n. 1: settlements of Italian in Slovenia as of last census (2002)

**Karta : DELEŽ ITALIJANOV PO OBČINAH NA NARODNOSTNO MEŠANEM OZEMLJU KOPRSKEGA PRIMORJA LETA 2002.**

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



Merilo:  
0 1 2 3 4 5 10 km

**Legenda:**  
 ■ državne meje  
 ..... občinske meje (po letu 1999)  
 ○ sedež občine  
 • druga naselja na narodnostno mešanem območju  
 ■ narodnostno mešano območje  
 ▲ italijansko prebivalstvo  
 ▽ pripadniki drugih narodov

**ŠTEVILO IN DELEŽ ITALIJANOV PO OBČINAH NA NARODNOSTNO MEŠANEM OZEMLJU V KOPRSKEM PRIMORJU, 1971-2002.**

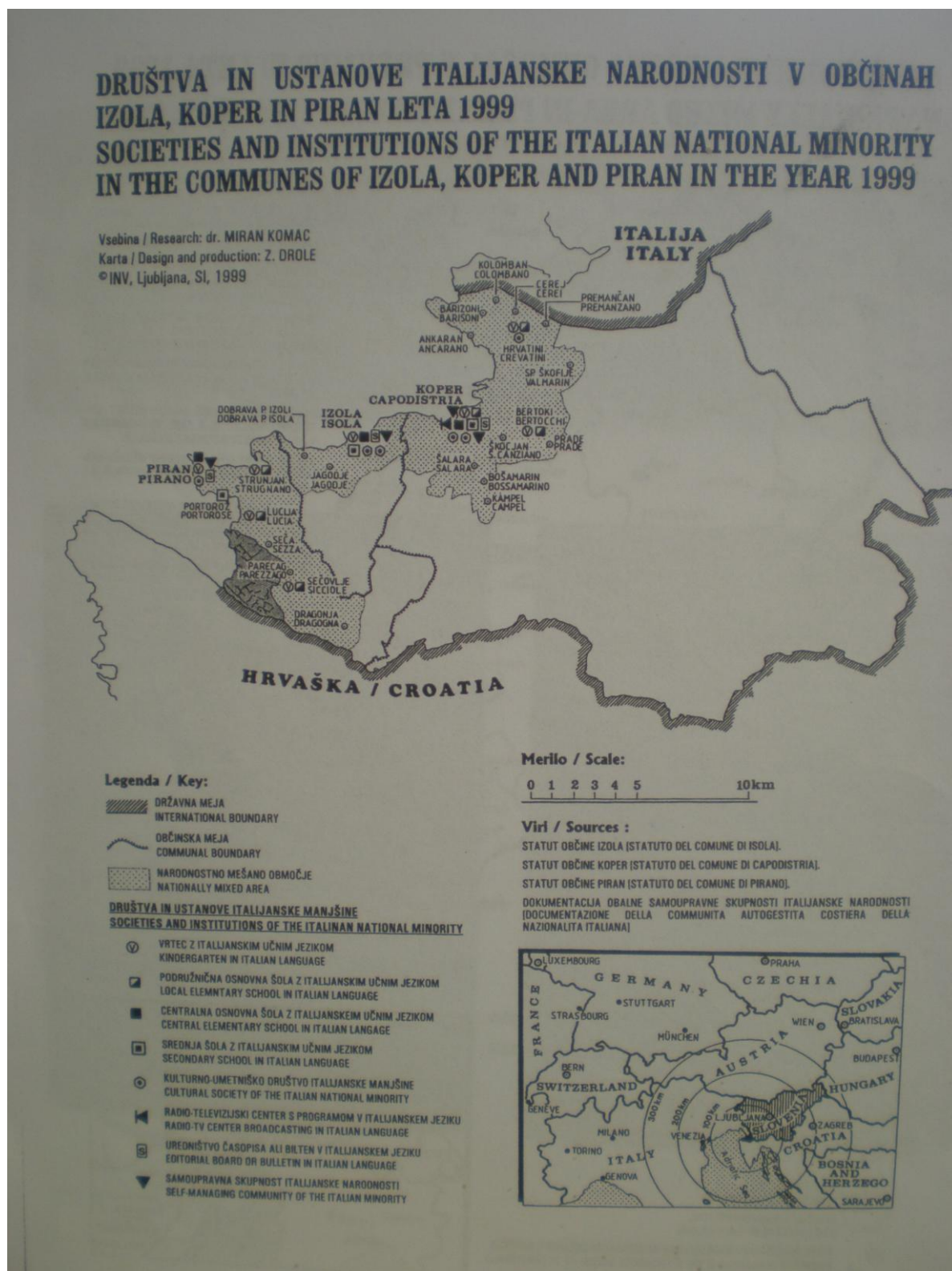
občina		1971	1981	1991	2002
IZOLA	SKUP. ŠTEV. PREB.	10.488	12.513	13.770	14.549
	ŠTEV. ITALIJANOV	486	358	567	430
	% ITALIJANOV	4,63	2,86	4,12	2,96
KOPER	SKUP. ŠTEV. PREB.	36.009	42.315	45.805	47.539
	ŠTEV. ITALIJANOV	874	727	1.015	712
	% ITALIJANOV	2,43	1,72	2,22	1,50
PIRAN	SKUP. ŠTEV. PREB.	12.359	15.235	16.768	16.758
	ŠTEV. ITALIJANOV	1.206	816	1.169	698
	% ITALIJANOV	9,76	5,36	6,97	4,17

**Viri:**

Popis stanovništva i stanova 1971: Nacionalni sastav stanovništva. Beograd: Savezni zavod za statistiku, 1972. Popis prebivalstva 1981: Prebivalstvo po narodnosti. Ljubljana: Zavod za statistiko, 1982; Popis prebivalstva 1991: Prebivalstvo po narodnosti. Ljubljana: Statistični urad Republike Slovenije, 1992; Statistične informacije št. 93: Prebivalstvo 3. Ljubljana: Statistični urad Republike Slovenije, 2003.



Map n. 2: Societies and institutions of the Italian national minority in the ethnically mixed area (1999)



### 3.2.2 - *Hungarians*

In the 2002 census, 6,243 persons (22 per cent less) declared themselves as being Hungarians and 7,713 persons ( 11.5 per cent less) declared Hungarian language as their mother tongue. Around 83% of persons declaring themselves as Hungarians reside on the ethnically mixed area in five municipalities in the Prekmurje or Transmura region (Lendava, Dobrovnik, Hodoš, Šalovci, and Moravske Toplice), that 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 percentage of Hungarians is constantly decreasing; the proof is that the surface of the territory inhabited by autochthonous Hungarians is less than 200 kmq.<sup>21</sup>

In the northern ethnically mixed area (in the east of region of Goriško) they represent the most consisting 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 (some 1,300 people) 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: since the 1950s 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 outside 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).

The comparison with the number of people with Hungarian mother tongue indicates the assimilation, in spite of the broad forms of protection in favour of the national community. The protection applies however only in the area of traditional permanent settlement. Besides, a significant proportion of Hungarians is temporarily working in the larger Slovenian cities or abroad. Assimilation and migration are the main but not the only reasons for the regression of the minority: an important reason should be sought in the demographic characteristics of the Hungarians.

---

<sup>21</sup> Ibid., p.292.

Several studies carried out in the 1980s 1990s<sup>22</sup> showed a low birth rate and high seniority levels, with the result of a negative index in natural growth. The age structure of the Hungarian population, compared to the entire population of Slovenia, is distinctly elderly (it should be noted that this trend is in line with that of Hungary, where the natural growth is also negative). One reason the high level of seniority stems from the structural difficulties of the area of settlement, considered one of the most underdeveloped ones in Slovenia. The lack of jobs (unemployment rate is about 10%), the low incomes (about 15% less than the Slovenian average) arising mainly from agriculture, the lack of means of communication and the position along traditionally rigid and 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 and almost at the step with that of the Republic. The mixed territory of Murska Sobota, economically underdeveloped, is the most subject to population decrement; the area of Lendava shows an overall increase of inhabitants, but a decline in the Hungarian population.<sup>23</sup>

The Hungarian national community has numerous societies and other cultural and educational institutions using the Hungarian language. In the field of education, unlike the Italian national community, which has schools using Italian as the language of instruction, schools in the ethnically mixed areas in which the Hungarian national community resides must be bilingual by law (education is conducted in both languages, Slovene and Hungarian, for all inhabitants of the area). According to data for the 2003/2004 school years, a total of 249 children attended the bilingual pre-school institutions in the ethnically mixed area of Pomurje and in the 2004/2005 school years 942 pupils attended bilingual elementary schools with affiliated schools. In the 2004/2005 school years 280 pupils attended the Lendava bilingual secondary school. Members of the Hungarian National Community can study the Hungarian language at the University of Maribor (Department for the Hungarian Language) and at the University of Ljubljana (lectorship in the Hungarian language) and, on the basis of the bilateral agreement of 1993 between Slovenia and Hungary, at universities in Hungary.

---

<sup>22</sup> See Statistical Annual of the Republic of Slovenia 1992 and 1996, graph of numeric development of Hungarian in Slovenia, available on <http://www.stat.si>.

<sup>23</sup> For a deepening see C. Barborini, *Società globale e relazioni transfrontaliere: il caso della Comunità di Lavoro Alpe-Adria*, Master's thesis, Trento, 1997.

The Hungarian National Community has over 30 amateur societies and groups (music groups, choirs, recital and theatre groups) the activities of which, as well as organisational tasks, are carried out by the Institute for the Culture of the Hungarian national community. Of significant importance in the field of Hungarian culture is also the Cultural Centre Lendava, which is one of the biggest institutions of this kind in Prekmurje.

The Institute for the Information Activity of the Hungarian national community based in Lendava publishes a weekly newspaper in the Hungarian language. The Lendava Library is another independent public institute based in the ethnically mixed area. The library performs its activities for other municipalities on the basis of signed contracts, provides the expertise and organisation of the library activity intended for the minority and processes, stores, conserves and provides books and other material in the Hungarian language as well. The Library also collects the material on homeland studies.

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. There are 13 hours of radio program daily, the programs of the National Communities have been additionally co-financed by the State. In September 2004 a radio and television studio of the Hungarian National Community was completed in Lendava, which was financed by the Radiotelevizija Slovenija and the Office for Nationalities.

### *3.2.3 - Roma*

Slovenia is one the few countries which treats the Roma as an autochthonous ethnic community. In the 2002 census 3,246 inhabitants declared themselves as members of Roma ethnic community and 3,834 persons Stated Roma language was their mother tongue. Though, according to the data from 2003 provided by social work centres, there are supposedly 6,264 Roma living in Slovenia and according to the data from 2004 provided by the municipalities where Roma are settled historically, 6,448 members of Roma Ethnic Community are supposedly living in these municipalities. Despite what is contained in the official data of the census, the Office for National Minorities of Slovenia estimates that between 7,000 and 10,000 Roma live in the Republic of Slovenia.<sup>24</sup>

---

<sup>24</sup> This is also the opinion of Horvat Muc, the director of the Office for National Minorities.

Map n. 3: Settlements of Hungarians in Slovenia as of last census (2002)

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

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



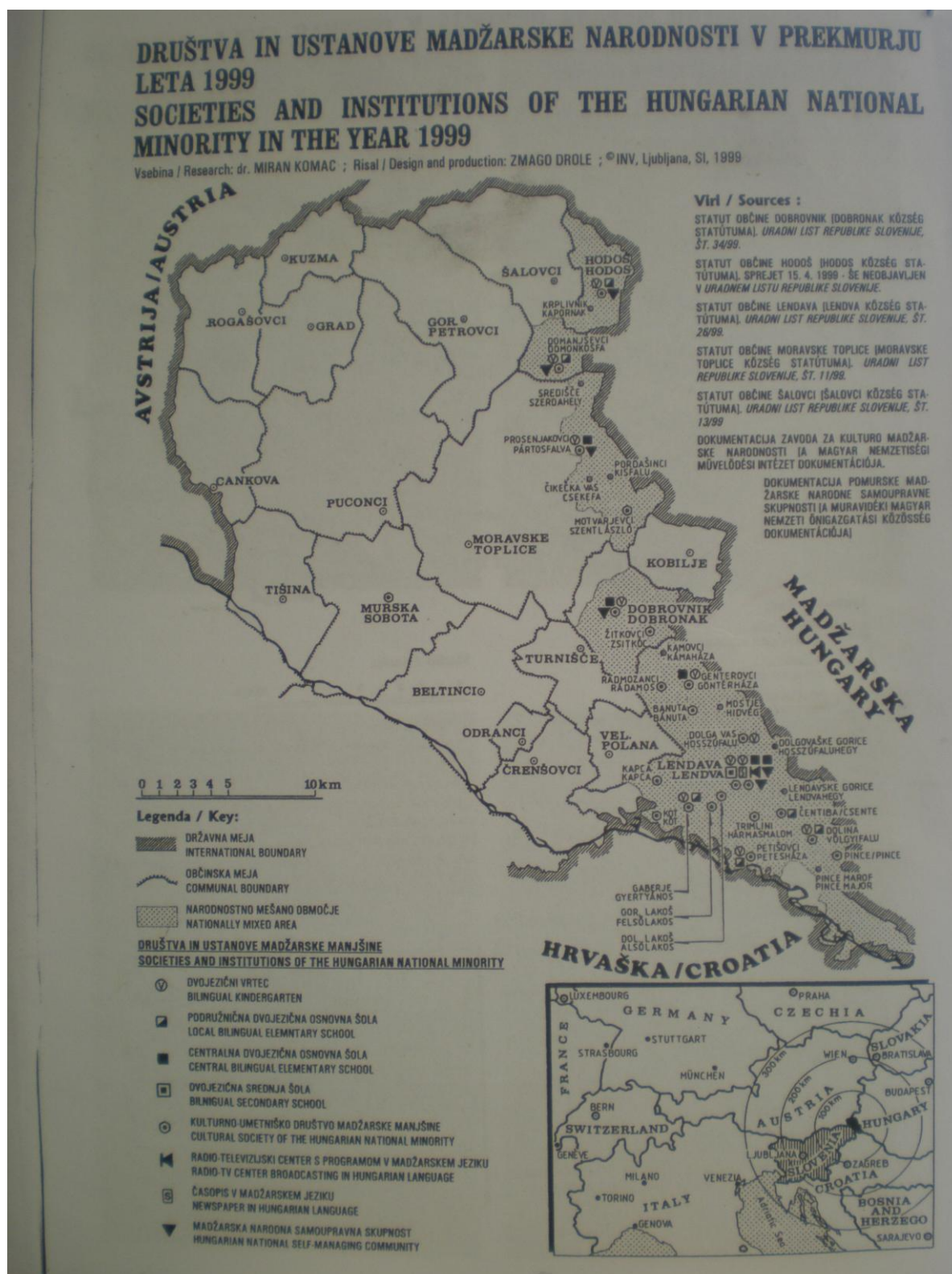
**Viri:**

Popis stanovništva i stanova 1971: Nacionalni sastav stanovništva, Beograd: Savezni zavod za statistiku, 1972. Popis prebivalstva 1981: Prebivalstvo po narodnosti. Ljubljana: Zavod za statistiko, 1982; Popis prebivalstva 1981: Prebivalstvo po narodnosti. Ljubljana: Statistični urad Republike Slovenije, 1992; Statistične informacije št. 93: Prebivalstvo 3. Ljubljana: Statistični urad Republike Slovenije, 2003.





Map n. 4: societies and institutions of the Hungarian national minority in the ethnically mixed area (1999)



The historical data mention Roma living on the territory of today's Republic of Slovenia already in 15th century. But from 17th century onwards the information about them is more frequent; they are also mentioned in different Registers.<sup>25</sup> Research shows that the Roma living in Slovenia today came from three different directions: the ancestors of the Roma living in Prekmurje came to this region across the Hungarian territory, the Dolenjska group of Roma came across the Croatian territory, and in Gorenjska there were small groups of Sinti that came from the North across the Austrian territory. Even though primarily these groups were nomads or semi-nomads, and in the past they frequently changed the position of their settlements, today we can firmly talk about specific regions where these groups settled indefinitely: in Prekmurje, Dolenjska, Bela Krajina and Posavje. In these regions the Roma ethnic community lives traditionally, historically, and has preserved its more or less permanent and specific settlement.<sup>23</sup> Data provided by municipalities show that in 25 Slovenian municipalities there are 90 Roma settlements. The largest Roma settlement is the local community of Pušča in the Murska Sobota Municipality (approximately 670 residents), and the smallest settlement is Pince in the Lendava Municipality with two residents. More recently, Roma have formed an emigration settlement near Maribor, though mixed with Albanians and other ethnic groups.

The majority of Roma, however, still reside in settlements isolated from other populations or on the borders of settled areas in circumstances that are below the minimum living standards. Data show that 39 per cent of Roma live in brick houses, half of which were built without the required licences; only 12 per cent of them live in apartment blocks. The remainder live in temporary residences – cabins, housing containers, caravans and similar. Only small numbers of Roma families live together with the majority population, who were able to reach satisfactory level of socialization and were able to involve themselves in the local environment and the society. The control and management of this community appears particularly difficult mainly because of two reasons:

- Roma settlements are not connected with each other;
- Roma do not possess the status of nationality, therefore it is not provided for an application in the delegations of group representation.

---

<sup>25</sup> For example Register of Births, Register of Deaths, Register of Marriages etc.

The Roma issue is mainly considered socially (even though there has been some important development in their legal protection as we shall see), thus only specialized services have a global picture of their situation on the territory. Education of Roma people presents various difficulties as well, first of all because of the gap in communication: Roma have developed a verbal communication which is sometimes only orally transmitted, generation after generation; moreover, the language is very linked to the territory and although there are similarities between the various 'dialects', it is not always possible to speak about a common Roma language understood by all Roma people. Another even more important problem is the high rate of illiteracy and drop out.

Approximately 70% of Roma children are attending school in Prekmurje and 40% in Dolenjska region, with an average of 55%. Several facts prevent Roma youth to take advantage of such educational system. Even though primary school in Slovenia is obligatory and free, one common constraint is the lack of minimal financial resources. Another reason is the weak performance in Slovenian language of Roma children and for that reason the current strategy foresees the inclusion of Roma children in nursery education at least two years before they enter the primary school.

Thus far, there are no schools in Slovenia where the Romany language is the medium of instruction, although many Roma children speak only Romany when they enter the school building for the very first time. In practice, the Slovene government tries to integrate Roma children into the general education system. To that end, Slovene schools with Roma pupils, have smaller classes, in order to be able to teach Roma children in smaller groups. However, there is also a lack of staff who is able to speak the Romany language. So far, attempts to find people within the Roma community interested in teacher training have not succeeded.<sup>26</sup>

Language is also one of the main factors which causes low participation in the political process: some times elected Roma councillors do not speak Slovenian language, they cannot read the necessary documentation and they are consequently ineffective.

---

<sup>26</sup> See Office for National Minorities, Government of the Republic of Slovenia, [http://www.uvn.gov.si/en/minorities\\_national\\_communities/roma\\_ethnic\\_community](http://www.uvn.gov.si/en/minorities_national_communities/roma_ethnic_community).

Map n. 5: Settlements of Roma in Slovenia as of last census (2002) in percentage



**Map n. 6: municipalities that have to guarantee the presence of a Roma representative within the municipal council**

**Karta :**

**OBČINE, KI SO PRIPADNIKOM ROMSKE SKUPNOSTI DOLŽNE ZAGOTOVITI PREDSTAVNIKA V OBČINSKEM SVETU**

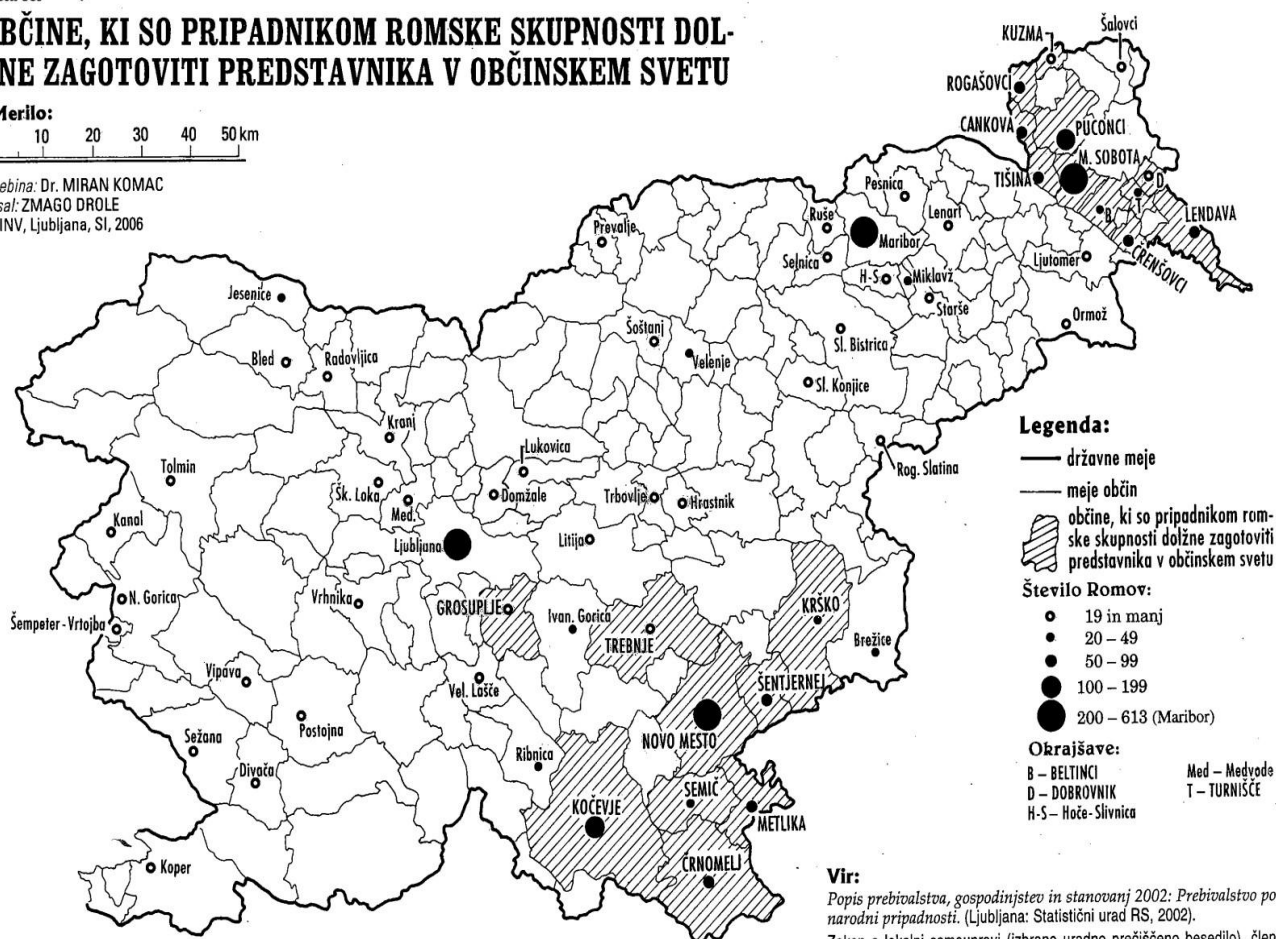
**Merilo:**



Vsebina: Dr. MIRAN KOMAC

Risal: ZMAGO DROLE

© INV, Ljubljana, SI, 2006



### 3.3 - Minority policies

#### 3.3.1 – Under Yugoslavia regime

Both the federal Yugoslav Constitutions and the Constitutions and various laws of the Republics and autonomous provinces explicitly provided 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.

The international boundaries of former Yugoslavia were not identical with ethnic borders. This was also true of the internal boundaries. Therefore, parts of numerous ethnic groups lived as 'national minorities' outside the boundaries of their homelands.

During the period of Communist Yugoslavia (1945-1991), the equality of ethno-nations and national minorities and how to handle inter-ethnic relations was one of the key questions of Yugoslav internal politics. The fourth paragraph of the proclamation of the Federation of Yugoslavia stated, "National minorities in Yugoslavia shall be granted all national rights..." These principles were codified in the 1946 and 1963 constitutions and reaffirmed again, in great detail, by the last federal constitution of 1974, where ethnic groups were defined as 'nationalities' which underlines that nationalities constituted equally important parts of the society. It declared that the nations and nationalities should have equal rights (art. 245). It further stated that "... each nationality has the sovereign right freely to use its own language and script, to foster its own culture, to set up organizations for this purpose, and to enjoy other constitutionally guaranteed rights..." (art. 274).<sup>27</sup>

In spite of the fact that the federal constitutions (1946, 1953, 1974) and the constitutions of the republics and autonomous provinces, as well as different laws, emphasized protection of national minorities, there was – as in other East Central European 'Socialist' states – an ever-widening gap between theory and practice. However, Slovenia became in this period an example of how to protect autochthonous national minorities. Already the Constitution of Slovenia of 1963 guaranteed the Italian and Hungarian minorities:

---

<sup>27</sup> See M. Klemencic, *The effects of the dissolution of Yugoslavia on minority rights: the Italian minority in post-Yugoslav Slovenia and Croatia*, p. 339, available on <http://www.cliohres.net/books/7/26.pdf>

1. equality and the possibility of development and progress in all fields;
2. equality of their languages in ethnically mixed territories;
3. care for the development of education, printing presses, radio and cultural education (Article 77).

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 (1974, Articles 250 and 251). Both articles guaranteed to both minorities free usage of their languages, expression of their national culture, use of symbols and establishment of special organizations. In ethnically mixed territories, the languages of minorities were proclaimed equal with the Slovene language, and members of minorities were guaranteed the right to bring up and educate their children in their own language. The use of language in educational field was also guaranteed to members of “nations” and “nationalities” of Yugoslavia, but it was better implemented for the Italians and Hungarians, with the adoption of statutory regulations.

Slovenia put special emphasis on protection of its autochthonous minorities, in part because of its international obligations after World War II, but also because that was in line with the process of decentralization and democratisation of the then Yugoslav federation and the “opening of frontiers” at the end of the 1950s and beginning of the 1960s. Slovenians started to see ethnic minorities on both sides of the frontier as a connecting factor. An especially important factor in determining the levels of protection of autochthonous minorities was also the care for the well-being of Slovene minorities in neighbouring countries, in spite of the fact that the level of minority protection was then and is still today significantly lower in those countries than in Slovenia.

### *3.3.2 – After the independence of 1991*

The Constitution of independent Slovenia kept and 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”. In Art. 5(1) the constitution lays down: “In its own territory, the state shall protect human rights and fundamental freedoms. It shall protect and guarantee the rights of the autochthonous Italian and Hungarian national communities.” Two rules were new:



- (a) the level of protection and rights is not dependent on the number of members of minority groups in proportion to other groups, and
- (b) laws and other ordinances that deal with granting constitutional rights and the situation of national minorities can not be accepted without the consent of representatives of the national minorities. It 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 other Council of Europe and E.U. member states, since then, Slovenia enacted very broad minority protection.

Moreover, 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 E.U. accession little has changed regarding the system of protection affecting these two minorities, which is considered a longstanding example of good practice, at least in theory.

A third group has been ascribed a special minority status by the 1991 Constitution, the Roma. From this date, they are officially recognized as autochthonous people, whereas they enjoyed no special status under the Yugoslavia regime. The actual beginnings of the Constitutional regulation of the Roma status reach back to 1989, when the Constitutional amendments brought the provision, demanding the legal status of Roma to be defined by law.

Legal foundations for their protection were laid down but no clear organizational or institutional solutions were provided for them and they couldn't enjoy the same rights as the Italian and Hungarian national communities. In 1995 the Government of the Republic of Slovenia adopted the position that the protection of the Roma Ethnic Community should be suitably regulated in sector-specific acts.

Since the 90s Slovenia is generally considered a model country for their minority legislation in comparison to other former communist countries.

### *3.3.3 – In the wake of the E.U. accession*

Slovenia became a member of the E.U. on 1<sup>st</sup> 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 can be considered as good and the protection of their rights as comprehensive.”<sup>28</sup>

Even though the State was evaluated already in at the beginning of the accession period as having fulfilled the greatest part of the set of the Copenhagen criteria successfully, the prospective of E.U. enlargement motivated Slovenia to undertake a set of policies in order to improve Roma protection and integration.

After 2000, and especially after the accession, special rights of the Roma started to be regulated through legislation covering specific fields. In 2001 a law defined territories where special rights of the autochthonous Roma community are in force, giving certainty of application to further regulation. The basic Constitutional provision was enforced through eleven acts; the most important ones being the Promotion of Balanced Regional Development Act and Radio and Television of Slovenia Act: the former basically aims to development of the Roma settlements and provides a representative of the Roma Community within the regional development council; the latter provides that public service comprehends creating, preparing, recording and broadcasting radio and television broadcasts for the Roma Community.

#### *3.3.4. Latest tendencies*

Although the level of protection of the Italian and Hungarian are 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. A recent example of this discrepancy are the notification on the value of real estate released by the National direction of geodesy to property owners in Slovenia, whereas in nationally mixed areas it was supposed to be released in minority languages as well.

On this occasion, the Office for Nationalities of the Slovenian Parliament has recently 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 the end of 2010, President Borut Pahor promised that the funds reserved to the

---

<sup>28</sup> European Commission, 2001 Regular Report on Slovenia’s Progress Towards Accession, Brussels, 13 November 2001, SEC(2001) 1755, 21.

minorities, in spite of the crisis, will remain the same for the next two years.

In 2005, the government decided that the regulation of the issues concerning the Roma ethnic community will also include a basic act on Roma Community, which is still at the preparation stage. In 2006, a further law on protection of the Romani community was adopted; it mainly resulted in the establishment of the Roma Council and the legalization of nearly 40 Romani settlements. Slovenia has taken a step further and lately created governmental programmes with various measures for the improvement of the Roma situation. Experiences are not always positive but are very important for future planning. Overall, the systematic programme of measures in Slovenia is positively drafted, although the measures are still not effective in all fields. So far, none of the E.U. member States protects their Roma community with a special act.

**Table n. 8: macro – political responses to ethnic diversity**

Ethnic control or elimination diversity					Minority rights regimes		
					non territorial	territorial	
assimilation	population transfer	exclusion from citizenship	individual civil rights	immigrant multiculturalism	limited cultural or language rights for minorities	cultural autonomy	territorial autonomy
		1991-1992 (the Erased)	1946		1991		2004

*Source:* this table was compiled by the author taking into an account Rechel's table, see B. Rechel, *Minority rights in Central and Eastern Europe*, Routledge, London and New York 2009.

Table n. 8 summarizes Slovenia's macro political responses to ethnic diversity and the minority protection regimes adopted since the last century. After a phase characterized by the emphasis on civil rights and equality of citizens, substantial minority rights were obtained in 1991, a year which marked at the same time the accession of Slovenia to the EU and one of the most massive violations of human rights in the country, stripping some of the immigrants from former Yugoslavian republic of their basic right and turning them into illegal migrants. A last phase, after 2004, is marked by an increasing level of cultural autonomy, with extensive language and administration minority rights.

### **3.4 - Legal protection of ethnic minorities**

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 rights. The protection of ethnic minorities in Slovenia is based on two principles: the principle of territoriality and the principle of collectivity. As Komac states, 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".<sup>29</sup>

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".<sup>30</sup> In addition to the basic fundamental human rights they enjoy

---

<sup>29</sup> See, *Minority Languages in Slovenian Education*, European Research Centre on Multilingualism and Language Learning, available on <http://www.mercatorresearch.eu>.

<sup>30</sup> See M. Komac, *Protection of Ethnic Communities in the Republic of Slovenia*, available on <http://www.ciemn.org/mercator/bulletins/46-10.htm>.

special rights guaranteed by the Constitution, first of all the right to have their minority languages considered as official languages.

Serbs, Croats, Bosnians, Macedonians, Montenegrins and Albanians are considered as immigrants and do not enjoy the status of a minority. However, in art. 61 the Constitution guarantees everyone the right to freely express affiliation to his culture and to use his language and script.

The Jews as a religious community and most others do not demand for a minority status whereas some persons belonging to the German- speaking community demanded the same status as autochthonous Italian and Hungarian national communities. However, such a claim was not supported by all German speakers and was rejected by Slovenia.

The Slovene regime of protection of national/ethnic minorities can in short be defined as a three-dimensional minority protection system:

- **A full- protection model:** relatively complete legal protection of historic (autochthonous) national minorities – the Italian and Hungarian ones – that encompasses individual and collective minority protection; legal protection comprises constitutional provisions and about eighty other laws and regulations relating to various spheres of minority existence;
- **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.;
- **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 also for persons belonging to the nations of former Yugoslavia in Slovenia that as a consequence of the recent processes of economic immigration can be considered “new ethnic minorities”; the Constitution does not include specific provisions for the collective protection of the new immigrant minority communities (whether it be members of the first, second or third generation) even though certain policies and measures address specific aspects of their needs, especially cultural needs and interests. The outlined model grants ethnic communities:

- ★ **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.
- ★ **Dual political subjectivity** which is seen in the dual voting right of their members.
- ★ **Positive protection** for all of them including a special fund reserved for the preservation and development of the economic foundations of ethnic communities.

#### *3.4.1 – Application of International Agreements Regarding Minority Rights*

The Constitution prescribes supremacy of international law. All major instruments in the field of protection of minorities have been ratified. Slovenia is bound to protect national minorities by several bilateral and multilateral agreements. In particular it has concluded special agreements with Italy and Hungary. According to the Osimo Treaty the country has committed to protect the Italian national community, as art. 8 states Yugoslavia or Slovenia “shall preserve the validity of internal measures which were adopted during the implementation of the Statute mentioned, and shall, within the framework of its internal legislation, guarantee to members of the concerned minorities the same level of protection as was provided by the Special Statute which is terminates”.

As far as the protection of Hungarians regards, 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 has 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. 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 lives in the Republic

of Slovenia.

### *3.4.2 – Constitutional provisions*

The Constitution contains a general anti-discrimination clause, ensuring everyone equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other beliefs (art 4 par 1 Const.) and everybody's equality before the law (art. 14 par. 2).

The Slovenian Constitution provides special rights for the Hungarian, Italian and Roma minorities, ranging from political participation to the right to exercise their own cultural, linguistic and educational affairs. According to art. 64 Const., 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. Those rights are:

- A) guaranteed collectively to members of those ethnic groups (art. 64 Const.);
- B) bound to the territory where they live and they are guaranteed irrespective of the number of members of his community.<sup>31</sup>

The pillars of the Slovene minority protection regime are therefore the system of collective rights and the concept of territorially mixed territory.

This applies to all three historical minorities, even though the regime elaborated for the Roma community is to some extent different. Art. 65 Const. determines that the status and special rights of the Gypsy (Romany) communities shall be regulated by statute: it was obvious that the Roma, due to their specificity, cannot be actually equated to the status of the Italian and Hungarian National Community living in the Republic of Slovenia. This article confers a mandate upon the legislator to provide special statutory rights to the Roma

---

<sup>31</sup> That means three municipalities for the Italian minority and five municipalities for the Hungarian minority.

Community living in Slovenia as a distinct community – in addition to the general rights that appertain to every citizen. This means the provision of additional protection, known in legal terms as “positive discrimination” or positive protection, and implies that in regulating the special status and rights of the Roma Community the legislator is not restricted by the principle of equality. As we mentioned before, in the Republic of Slovenia, the Roma Community does not enjoy the status of a national minority, but is recognised as a special community or a minority with special ethnic characteristics (its own language, culture and other ethnic specificities).

It is noteworthy that Slovenian law distinguishes between so-called “autochthonous Roma” and other Roma. The term “autochthonous Roma”, however, is not defined in law, but all autochthonous Roma are by definition citizens. Non-autochthonous Roma have fewer rights even if they are citizens and they belong to two groups: those who lived in Slovenia before independence in 1991, a large number of whose status was “transferred” from Yugoslav citizen to “foreigner” in that year; and those who came to Slovenia afterward, generally moving from other States of the former Yugoslavia and from Kosovo. Many non-autochthonous Roma are still today not citizens and suffer resulting restrictions on freedom of movement, access to health care, employment and property and often life in extreme poverty.<sup>32</sup>

Roma people enjoy specific judicial protection under the 1993 Law on Local Self-government. There exists an ordinance of having at least one place reserved for a Roma councilor (imposed on communities with a certain percent of Roma people). This ordinance was imposed on 20 communities; however, only 19 of them are performing this task today. In 2007 Slovenian parliament passed on a new Law on Roma Community. Slovenia is now the first and only country in the EU that has a special law on Roma Community. This law actually defines the whole situation on Roma people in Slovenia from their housing to education and employment. On the basis of this law there must be a Roma Community Council established which will deal with Roma interests, rights, situation, culture and international cooperation. This Council could be a possible solution to a problem that arises - even though most of the communes have a Roma councilor today there are other specific problems arising which are similar to those of Roma youth – elected councilors do not speak Slovenian language, they cannot read the necessary documentation and they are consequently ineffective.

---

<sup>32</sup> See *Minority Protection in Slovenia*, Open Society Institute 2001, available on <http://www.eumap.org>.

### 3.4.3 – 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 *curriculae*” 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, one for the Italian minority and one for the Hungarian minority.

As for the Italian minority, the schools are either in Slovene or Italian language whereas the learning of the other language in those schools is compulsory. 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 languages.<sup>33</sup> 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 right to education for members of the ethnic communities, as the special rapporteur of the European Council wrote 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”<sup>34</sup>; he also underlined its multiculturalism stressing the development of dual cultural identity.

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 members of minorities to be taught in their language outside ethnically mixed areas; the

---

<sup>33</sup> 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.

<sup>34</sup> A programme of case studies concerning the inclusion of minorities as factors of cultural policy and action. Bilingual education in Slovenia. Council of Europe, Strasbourg, 1996, p. 94.



conditions are the following:

- it must be a secondary school;
- the minority language is an optional subject
- at least five students must participate in the classes.

As for the Romany children, they ought to be integrated in the general school system. Therefore, size regulation is necessary for Romany classes or for classes in which Romany children are granted additional classes to be able to organize teaching in smaller groups. So far, the Romany language is not used as language of instruction in any Slovene school. The problem, of course, is the lack of teaching personnel with the knowledge of Romany language. Moreover, the legislative framework with regard to education remains quite weak. At the moment the introduction of the Roma language into primary school is quite far away.

The main problem is that introduction of the Roma language in school demands standardization of Roma language (dictionary, grammar, text selection and curriculum for Roma language classes) and a program of gradual introduction of Roma language in the curriculum. One of the reasons why standardization of the Roma language has not been done is the existence of two Roma dialects: the Roma living in the Dolenjska region and Roma living in the Pomurska region speak in fact two very different dialects. In Slovenia, there are a few Roma-Slovenian dictionaries, but none being an official one. It would be even more difficult to propose one single official Romani language due to the lack of a common grammar, syntax and vocabulary.

Another problem is that Roma often have no interest for learning their mother tongue: for Roma good command of the language of majority society means easier integration. Many of them do not want to actively participate in the Roma culture and they think that the use of their own language would stress even more isolation and inferiority. Young families, especially educated ones, rarely use Romany to communicate among each other and teachers at kindergartens or primary schools avoid using Romany with Romany children. This way, the language and its dialects are rapidly being forgotten or mixed with Slovenian language and Roma people are thus losing their chance to transform their language into a proper national one, including the possible right to mother tongue education and to use the language in the contacts with public administration.

However, in schools where the interest of Roma, the optional subject “Roma culture” is carried out. The optional subject Roma culture is not just for Roma pupils, but also for the

others and this allows everybody to learn some information about the Roma culture. In any case, Romany language is almost totally absent from the school system and only sporadic and short- term initiatives are being carried out so far.

There are no schools in Slovenia where the Romany language is the medium of instruction, although many Roma children speak only Romany when they enter the school building for the very first time. In practice, the Slovene government tries to integrate Roma children into the general education system. To that end, Slovene schools with Roma pupils, have smaller classes, in order to be able to teach Roma children in smaller groups. However, the main problem is a lack of staff who are able to speak the Romany language. In its report, the Committee of Experts sees it as a very important task to raise the prestige of the Romany language and practical problems offer no reason to prevent teaching the language at some level.<sup>35</sup>

The Slovenian school system acknowledges as well the needs of the children of migrants by offering them education in their mother tongue on a voluntary basis. The Office for International Cooperation within the Ministry of Education, together with the Institute of Education, offers assistance in training teachers for teaching the mother tongue as a second or foreign language.

Let us summarize the situation of minority education through this table.

**Table n. 9: different models of education in ethnically mixed areas**

<b>Mixed Italian and Slovene population</b>	<b>Mixed Hungarian and Slovene population</b>	<b>Mixed Romany and Slovene population</b>
<i>Monolingual teaching</i> <i>Choice 1:</i> Slovene as main medium of instruction; <i>Choice 2:</i> Italian as main medium of instruction	<i>Bilingual teaching</i> in all subjects	<i>Majority school system;</i> Education in Romany language on voluntary basis

#### *3.4.4 – Use of minority language*

In the model of protecting ethnic national minorities, the right to use and preserve the

---

<sup>35</sup> S. Klinge, *Council of Europe language experts report on Slovenia*, 2004.

minority language represents an essential right. In the Slovene model, everybody can use his mother language and shall be entitled to freely identify with his national grouping or autochthonous ethnic community (art 61 Const.). The official language is Slovene, however, in those areas where autochthonous Italian and Hungarian national communities reside, the official language shall be Italian and Hungarian (art.11 Const.). In the ethnically mixed areas, the language of the minority is an official language and both languages have equal status.

The right to use one's language and script is furthermore extended by granting right to each person to use his own language and script in such manner as determined by statute in areas inhabited by autochthonous minorities (art. 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 art. 4.2 and 4.3 of the Law on State administration. In such municipalities:

- The local and the State administration, public enterprises and all public agencies in those ethnically mixed areas as well as judicial authorities 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 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.
- 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 Italian and Hungarian minority can use names and surnames in the original form.
- Assemblies of citizens, public events and manifestations and other events in ethnically mixed areas shall be performed in the minority language and Slovene.

There is foreseen the 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.

As the Roma concerns, no act contains special definitions for the use of their minority language for official purposes. Therefore, Roma currently do not have the right to use their language for official purposes and before administrative bodies or courts.

The situation might seem rosy in this field, but is bilingualism actually applied in practice? According to M. Tremul, President of the Italian Union, it is possible to see a total lack of minority language use in several registered cases. The same deficiencies apply also as regards the Hungarian national community. In particular, bilingualism is not regarded in the ethnically mixed zones in the following domains.<sup>36</sup>

- 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 Defense, 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, RTV Slovenia and Telekom, the Administration of taxes of the Ministry of Finance, the Post Agency (with the exception of few bilingual modules) and pharmacies (some pharmacists are able to communicate in the minority language but instructions on medicines are available only in Slovene).
- E- government: the acquisition of the digital signature is possible only in Slovene and the digital administration has got only few pages in Italian, which are accessible only from Slovene pages.
- Administration of justice: notifications are only in Slovene, certificates and other acts of the court are translated only on request.
- Commercial communications and consumer protection: no enterprise working on the mixed territory provides documents in the minority language.

---

<sup>36</sup> See *Memorandum sulla comunità nazionale italiana*, n. Pr. 56/2009.

The common underlying problem is an almost absolute lack of training of specialised staff to deal and communicate in the minority language.

#### *3.4.5 – 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.

First of all, the electoral law ensures the autochthonous Italian and Hungarian national minority two seats in the National Assembly and political representation on the local level. Decisions, which concern those national communities, cannot be taken without their agreement. Members of these two communities 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, the two national communities have the right to at least one representative in the municipal council. The same right is in force in the areas with the autochthonous Romany community. Following the decision of the Constitutional Court in 2002, the Law on Local Self-Government has been amended so as to provide for at least one Roma representative in 20 municipal councils.

Beyond their autonomous competencies, the national minorities have the right to co-determination with regard to the questions that are related to this status. According to art. 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 two commissions in order to deal with them, one for the national communities and one for the Romany people. The Roma have theoretically right to co-determination, but only the Italian and Hungarian community can enjoy the right to veto through their representatives at the National Assembly.

But the Italian and Hungarian national communities have also the right to self-governing political institutions, whose establishment was enacted by art. 64 par. 2 Const. These are called Self-Governing Ethnic Communities. On the basis of the constitutional provision, a special Law on Self-Governing Ethnic Communities was adopted in 1994. They are 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 as all those special rights are bound to the territory where both minorities live (Primorska and Prekmurje), we can talk about certain elements of the territorial autonomy as well. The Self-governing ethnic communities are primarily established on the municipal level. In the ethnically mixed areas their role is so important that no decision can be taken without their consensus, which indicates even certain elements of local autonomy. According to it, they are public legal persons and they decide autonomously on matters within their competence they decide, whereas on matters concerning the protection of special rights of ethnic communities they give their consent. They also submit proposals and initiatives and opinions to the competent bodies and organize activities, contributing to the preservation of ethnic identity. Their activities 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 with international and participate in the preparation of interstate agreements relating to the status of ethnic communities and the protection of their rights.

**Table n. 10: political participation of Slovenia's minorities**

	<b>Italians</b>	<b>Hungarians</b>	<b>Roma</b>
<b>Representation in elected bodies</b>	- National Assembly: one seat - Municipal Council: one representative	- National Assembly: one seat - Municipal Council: one representative	- National Assembly: no seat; - Municipal Council: one representative
<b>Participation in decision-making</b>	Right to co-determination in matters strictly concerning them; right to veto	Right to co-determination in matters strictly concerning them; right to veto	Right to co-determination; No right to veto
<b>Political autonomy</b>	Self-governing ethnic community	Self-governing ethnic community	No self governing ethnic community

### *3.4.6 – Cultural life*

In Art. 64 par.1 the Constitution sets out more specific rights for the Italian and the Hungarian communities, who shall have 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 of the Italian and Hungarian minority as well as of the Romany people. The cultural heritage 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; and an integrating programme, aimed at finding way for an appropriate integration of the minority cultures in the culture of the national majority.

Art. 42 Const. guarantees everybody's freedom of association and peaceful assembly. That comprises the realization of interests at the private level and in the political arena, in the form of trade unions or political parties as far as they do not follow illegal or unconstitutional goals. Art. 64 par. 1 Const. guarantees the right of autochthonous Italian and Hungarian national communities to establish their own organizations. In Slovenia, there are active several societies and cultural associations of national minorities and of the Romany community. Most of cultural and other associations of diverse ethnic communities 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 provision 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 for the performing of activities which are important for the realisation of the minority rights; the Law on Protection of Cultural Heritage includes within the Slovene cultural heritage also that of the Italian and Hungarian national minorities; the Law on Librarianship, although with a vague formulation, recognizes the importance of library activities provided by the Italian and Hungarian minorities.

### 3.4.7 – Information and the media

The Constitution (art. 39 par.1) guarantees the freedom of expression, of thought, the freedom of speech and the freedom of press. As to the Italian and Hungarian minority, art.64 par.1 Const. additionally guarantees those rights. The Italian and Hungarian minority can fulfil their information need 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 and radio and television broadcasts for the Roma ethnic community. The radio and TV station in the Italian and Hungarian language function as a part of the State radio and TV station.

With law on Mass Media (art.3 par.1) the State bound itself to support the development of non-commercial public media intended for informing the Italian and Hungarian ethnic 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 (art. 40 par.5); and a self-governing ethnic community may import Italian and 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 respective community. Both minorities can autonomously decide on the content of those programmes and have their representatives in the Programme Board, the management body of RTV Slovenia. Programmes for both minorities are prepared and broadcasted by regional radio and television centres in Koper and Maribor.

The Italian 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 rooted in degree of assimilation as well as the status of the language.<sup>37</sup>

Autochthonous minorities are also guaranteed the publication of newspapers and magazines in their own language, which are co-financed by the State budget. The most important print editions of the Italian minority are: *La voce del popolo*, *Panorama*, *La battana*, *Arcobaleno* (for children) and other newsletters. Among the Hungarian ones it is possible to list

---

<sup>37</sup> See T. Gosselin, "Minority media in Hungary and Slovenia: a comparative assessment" available on [http://www2.arnes.si/~ljmiri1s/slo\\_html/publikacije/Gosselin01.pdf](http://www2.arnes.si/~ljmiri1s/slo_html/publikacije/Gosselin01.pdf)



*Neipujšag*, *Naptar* and *Muratai*.

Roma media are still a rare occurrence in Slovenia's public service network. The Romany community disposes of a bilingual newspaper, *Romano them*, in Slovene and Romany language, and of some broadcast programmes that are co-financed by the Ministry of culture. However, some relevant attempts have been made and lately the Roma programs aired irregularly by the station have turned into a regular specific show.

**Table n. 11: Minority print and broadcast media**

	<b>Italians</b>	<b>Hungarians</b>	<b>Roma</b>
<b>Print media</b>	One daily newspaper: <i>La voce del popolo</i> Several magazines: <i>Panorama</i> (weekly), <i>La Battana</i> (literary magazine), other local newsletters	Three magazines: <i>Nepujšag</i> (weekly), <i>Naptar</i> (literary magazine) <i>Muratai</i> (almanac)	Two magazines: <i>Romano Them</i> and <i>Romske Novice</i>
<b>Radio</b>	Radio Koper: 24 hours per day	Radio MMR: 13 and half hour per day	Romskih 60: one hour per week; Studio D: weekly bilingual programmes
<b>TV</b>	TV Koper: 10 hours per day	Lendava Studio Programme: 30 minutes four times a week within RTV	<i>TU As</i> : 5 times per year

From this brief analysis, it is apparent that in Slovenia, as noted by Gosselin, the minority media scene, and especially that of electronic media, reflects the different degree of recognition and institutionalization of minority rights.

### *3.4.8 – Cross - border contacts and involvement in cross – border cooperation*

Everybody has the right to freedom of movement and to choose his place of residence, to leave the country and to return at any time (art. 32 par. 1 Const.) and all citizens have the right to freely establish cross-border contacts. In addition, the Italian and Hungarian communities enjoy the right to foster contacts with the wider Italian and Hungarian communities living outside Slovenia: with art. 64 par.1 the State bound itself to give also material support to the right of the members of ethnic communities to the preservation and development of free contacts, particularly with the kin-nations and their countries.

Moreover, such contacts are explicitly defined as one of the obligations of the self-governing national communities. Such contacts shall be financed by the State budget and funds of the self-governing communities.

The right to transfrontier exchanges is explicitly provided also by the Law on the Special Rights of the Italian and Hungarian Ethnic Minorities in the field of Education, according to which educational institutions shall cooperate with such institutions of the kin – country.

Since the 1970s the Italian ethnic community in Slovenia has been quite cooperative with the Slovene minority in Italy, predominantly in the spheres of sports, culture and education, but in terms of CBC programmes funded by the E.U. the Italian minority community in Slovenia became active after 2000. The initiative came from the Slovene community in Italy that had established an entrepreneurial team called Euroservis with the aim to:

- in general terms, to build intensive cooperation and giving support to minority groups and others;
- practically, call for applicants from the Slovene side that needed a partner on the Italian side.

Real concrete possibilities spurred real concrete cooperation as both sides were compelled by self-interest to get involved in these projects. As a result, a unified commission with members from Slovenia and from the region of Friuli-Venezia Giulia has been established that includes special minority board members from both Italian and Slovene minority communities.

CBC projects should be a mean to let minorities contribute to the wider community. Though the stagnant relationship of the Italian minority community with the Slovene government paralyzes cross-border cooperation and hinders relations between Italy and the

Italian border regions. The main problem experienced by the Italian minority in Slovenia is that there are:

- the relative lack of cooperation with members of the majority community;
- the lack of skilled and trained specialists who would be able to handle and carry on the projects;
- the lack of own resources to manage the projects.

The situation is not very different as far as the Hungarian minority concerns. Along with several agreements in the economy, Slovenia and Hungary signed an agreement on cross-border cooperation of local and regional authorities. Minorities are considered an important link between two nations. Nevertheless, the continuous decline of the population, the limited size of their settlement and some kind of lower status associated to them, leave them still on the margins of CBC projects implementation.

### **3.5 – Conclusions**

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

It is a fact that the two recognised national communities in Slovenia are beneficiaries of very considerable public protection and assistance. This is particularly evident in the field of political participation and representation: they are over-represented in the Slovenian parliament and to the reserved seats they vote for the second time and their representatives are usually elected also on party tickets.

With the Law on Roma Community (March 2007), Slovenia is the first country in the E.U. that has a special law on Roma Community. This law actually defines the whole situation on Roma people in Slovenia from their housing to education and employment and provides the establishment of a Roma Community Council to deal with Roma interests, rights, situation, culture and international cooperation. Facts show that the State is not inactive regarding Roma status, but the difference with protection of the two other autochthonous communities is evident. CERD explicitly criticised this discrepancy, whereas the European Commission, in its report about Slovenia joining the E.U., emphasized the realization of all policies of Copenhagen criteria though urged for additional measures concerning the Roma position.

However, Slovenia is one the few countries in E.U. 27 protecting the Roma constitutionally and as an autochthonous minority and dedicating to their concern with a specific acts.

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**, at both the central and local levels, leading to confusion in the application of existing legislation.

- In their respective ethnically mixed regions, the Hungarian and Italian minorities report problems in the **practical application** of the legislation concerning the use of the Hungarian and Italian languages 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,...

- The triadic protection system provides a sort of **hierarchy of minorities**: even though the country provides full protection for its traditional national minorities, i.e. Italians and Hungarians, it excluded minorities that were already present in the country since centuries, like the Croats and the German speaking communities, treating them as immigrants and granting them only a principle of equality.

- This issue partly refers also to the Roma minority, regarding to which there still exists huge **legal uncertainty** in spite of the recent Law on Roma Community: first and foremost, with with regard to the distinction between “autochthonous” and “non-autochthonous” Roma which creates uncertainties also in relation with the respective rights. Moreover, the application of a selective extending model to the Roma minority also implies a hierarchy in the treatment of minorities which were equally deemed to be “territorial”, even though the Roma community did not explicitly receive the definition of national minorities but of ethnic minority with special status. In practice, it enjoys an hybrid position in the attempt to gain access to the full protection model guaranteed to the Italian and Hungarian minorities, to have access to which it still lacks some important legal basis. If they enjoy a good protection in the field of political representation and cultural life, the fields of media and use of minority language (including the educational sector) show little progress.

- The hierarchy among minorities enjoying the full protection model and the selective extending model (and the rudimental model too) is alike to create **new boundaries** between a) autochthonous and non- autochthonous Roma minorities, b) old territorial minorities (like Croats and Germans) and recognised national minorities; c) Italians and Hungarians due to

the different space left to the respective radio and television programmes in minority language.

According to Dr. Attila Kovacs,<sup>38</sup> researcher at the IES (Institute for Ethnic Studies, Ljubljana) and representative of the Hungarian minority, 'both indigenous minorities in Slovenia, Hungary and the Italians are very well protected by the law'. Also 'as regards the situation of Roma is some progress'. Nevertheless, he notes, 'the E.U. enlargement to the east did not imply a significant improvements of the situation: it lead to certain positive steps, but it is difficult to break decades of entrenched prejudice versus minorities. Moreover, the economic crisis that is present throughout Europe is likely to affect minorities'.

According to Dr. Kovacs, '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: this way, 'the rules are clearly laid down for the players'. He also points out that 'the bilingual education model - despite many critics - offers fairly good protection for the minority. Minorities are also 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, one of the major problems is the 'lack of legal sanctions in case of non application of laws on bilingualism'. An aspect to be implemented and surveilled is the funding for minority self-government: 'currently, the State money intended for the Hungarian (and Italian) self-government shall be paid to municipalities; then the mayors on the basis of their claims and minority interests (which are packaged as money for bilingual business) decide how much money will be credited to minority self-government'. A surveillance mechanism is lacking. It thus may happen that municipalities try to use less and less resources for minority claims. Dobrovnik municipality, for example, which receives from the Office for National Minorities an annual sum of 156,360 million EUR, withheld for "bilingual business" 52.000.-EUR with the results of scarce services in Hungarian language including a municipality web page in Hungarian.

Let us now summarize through this table the main points of minority protection in the SR of Slovenia.

---

<sup>38</sup> Interview to Dr. Attila Kovacs 15/09/2011.

**Table n. 12: foundations of minority protection in Slovenia**

<b>Basic issues</b>	<b>Legal aspect</b>
<i>Nature of the population</i>	No existing provision
<i>Primary source where it is possible to find the term “minority”</i>	Constitution
<i>Criterion of protection</i>	Autochthonousness: culturally distinct and spatially concentrated populations with long lasting sedentary presence on the territory
<i>Application of principles of protection</i>	Ethnically mixed areas Collectivity <i>per se</i>
<i>Minorities covered by the texts</i>	Italians, Hungarians and Roma
<i>Definition of protected minorities (if existent)</i>	Italians and Hungarians: “autochthonous national communities”; Roma: “community” (status not clearly defined)
<i>Type of minorities</i>	Ethnic minorities: - Hungarian ethnic communities are treated as ethnic minorities. - Roma are also treated as an ethnic community with some elements of ethnic minority
<i>Basis of individual membership</i>	Being a member of a minority depends solely upon an individual’s free will
<i>Effects of membership</i>	No influence on the acquisition or loss of an individual’s citizenship; Essential for the exercise of those special rights guaranteed by the Constitution and legislation
<i>Type of guaranteed rights</i>	Rights of communities as well as of individual members of minorities
<i>Positive discrimination</i>	The Constitution determines special rights (“positive discrimination”) in order to protect

	minorities and their members and also forms the basis for laws and other regulations.
<i>Difference of minority rights (if existent)</i>	Italians and Hungarians: same special rights Roma: lower rights, under implementation Others (considered as immigrants): general protection by anti- discrimination clause

**Table n. 13: Rights of the protected minorities in Slovenia**

<b>Rights</b>	<b>Italian minority</b>	<b>Hungarian minority</b>	<b>Roma minority</b>
<i>protection of basic rights regardless of minority's numerical strength</i>	Yes Source: Const. art 64	Yes Source: Const. art 64	Yes
<i>Territorial autonomy</i>	No	No	No
<i>Self – Governing political institutions</i>	Yes Source: Const. art. 64. 2	Yes Source: Const. art. 64. 2	No
<i>Guaranteed political representation in Parliament</i>	Yes Source: Const. art. 64 One seat	Yes Source: Const. art. 64 One seat	No
<i>The right of a representative of the minority to put a veto on minority's fundamental problems</i>	Yes Source: Const. art. 64	Yes Source: Const. art. 64	No
<i>Guaranteed representative in local administration</i>	Yes Source: Const. art. 64 and Law on Local Self-	Yes Source: Const. art. 64 and Law on Local Self-	Yes Source: Law on Local Self-Government

	Government One representative	Government One representative	One representative
<i>The language of the minority is recognised as an official language</i>	Yes Source: Const. art. 64	Yes Source: Const. art. 64	No
<i>The right of using the minority's language in local administrations</i>	Yes Source: Const. art. 11 and statute of communes	Yes Source: Const. art. 11 and statute of communes	No
<i>The right of using the minority's language with the administrative authorities</i>	Yes Source: Const. art. 11 and statute of communes	Yes Source: Const. art. 11 and statute of communes	No
<i>The right of using the minority's language with the Courts of Justice</i>	Yes Source: Const. art. 11 and 62	Yes Source: Const. art. 11 and 62	No
<i>The authorities are obliged to exercise the right of using the minority's language during official celebrations</i>	Yes Source: Statute of communes	Yes Source: Statute of communes	No
<i>The authorities are obliged to expose the minority's flag</i>	Yes Source: Statute of communes	Yes Source: Statute of communes	—
<i>Obligatory bilingual topographic inscriptions</i>	Yes Source: Statute of communes	Yes	No
<i>Bilingual documents</i>	Yes Source:	Yes	No
<i>Right to veto on</i>	Yes	Yes	Partially



<i>decisions made by local institutions</i>	Source: Const. art. 64	Source: Const. art. 64	No legal provision but exercised through the municipal representant
<i>Radio programmes in minority language</i>	Yes Const. art. 64	Yes	Yes
<i>TV programmes in minority language</i>	Yes Source: Const. art. 64 Radio and Television Corporation of Slovenia Act	Yes Source: Const. art. 64 Radio and Television Corporation of Slovenia Act	Yes Source: Radio and Television Corporation of Slovenia Act
<i>Financial support regarding minority periodicals and newspapers</i>	Yes Source: Const. art. 64	Yes Source: Const. art. 64	Partially Co-financing
<i>Education and schooling in minority language</i>	Yes Source: Const. art. 64 Details: nursery, primary and secondary school. Monolingual system	Yes Source: Const. art. 64 Details: nursery, primary and secondary school. Bilingual system	No
<i>Financial support regarding the minority's cultural activities</i>	Yes Source: Const. art. 64	Yes Source: Const. art. 64	Yes
<i>Distribution of public employments and benefits on the basis of "ethnic proportionality"</i>	No	No	No



## **CHAPTER IV**

### **MINORITY PROTECTION IN SWEDEN**

#### **4.1 - Ethnic structure of Sweden**

Sweden has been a sovereign state for more than a millennium, and this has fostered cultural cohesion. Centuries of relative ethnic, religious, and linguistic homogeneity were followed by substantial immigration during the last sixty years, creating a multicultural society.<sup>1</sup>

The first people, tribes of reindeer hunters, arrived as an ice age ended between 12,000 and 10,000 B.C.E. Bands of Vikings pursued plunder and commerce as they traveled by ship over the Baltic Sea and up Russian rivers, as well as into Western Europe, between 800 and 1050 C.E. Around 1000 C.E. the many independent provinces began to be united into a single, loosely federated kingdom.

Monarchs were able to impose increasing degrees of national power in succeeding centuries. State building advanced rapidly under Gustav Vasa, who was elected king in 1523 C.E. By the end of his reign Sweden was a relatively consolidated kingdom. During the next 250 years, Sweden fought wars against Denmark, Russia, Poland, and Norway. The nineteenth century brought peace, but poverty prompted mass emigration, particularly to North America.

Sweden's egalitarian society builds on historical circumstances that favor a sense of solidarity. Relative ethnic, religious, and linguistic homogeneity facilitated the establishment of a national community. Wars with neighboring states sharpened consciousness of Swedishness in contrast to opposing national identities.

A rupture in a hitherto fairly homogeneous ethnic structure happened only between the late 1940s and late 1960s, the booming economy attracted skilled workers from southern Europe. Those workers were allowed to immigrate freely and gain full citizenship. Norway, Denmark, and Finland also provided large numbers of immigrants.

No other affluent nation in recent decades has accepted as many political refugees, *per*

---

<sup>1</sup> Ciemen, *El dret a la diversitat lingüística*, Editorial Mediterrània, Barcelona, p. 122.

*capita*, as Sweden has. Foreigners enjoy full access to the welfare system, can vote in local elections, and can become citizens in five years.

Nevertheless, even though the clear domination of *one* ethnic group was the main feature in the country's ethnic relations during the previous centuries, Sweden's majority and minority populations have a long history in common.

In spite of being regarded in Swedish and international literature as a typical example of an old, ethnically homogeneous nation state, Sweden has had several multicultural elements, in terms of both cultural contacts and population structure.<sup>2</sup>

Long before Sweden became a nation state there were Sami in the country; the first Roma and Jews came to Sweden in the 16th and 17th centuries respectively, and Finland was in a union with Sweden for seven hundred years.

This fostered cultural exchanges among different ethnic groups, which have been a constant presence despite Sweden's peripheral position in Europe. It is not possible to provide specific data, but in the beginning of the modern era the Swedish territory already hosted consistent ethnic groups.

**Table n. 13 : Ethnic groups in medieval Sweden**

<b>Ethnic group</b>	<b>Main location</b>
Scots	Gothenburg
English	South Sweden
Finns	Spread over the territory
Germans	Stockholm
Sami	North Sweden
Roma	Spread over the territory
Walloons	?
Duch	Gothenburg

At that time, making distinction between different groups, also from the legal point of view, was nothing unusual. As Roth underlines, the land laws from the late 13<sup>th</sup> century already made clear distinctions between people from different regions and countries, which

---

<sup>2</sup> See H. I. Roth, "Multi - cultural Sweden", *The Swedish Success Story?*, ed. K. Almqvist & K. Glans, Preses Nams, Riga 2004, p. 214.

implied different treatment in various fields, including different fine rates.

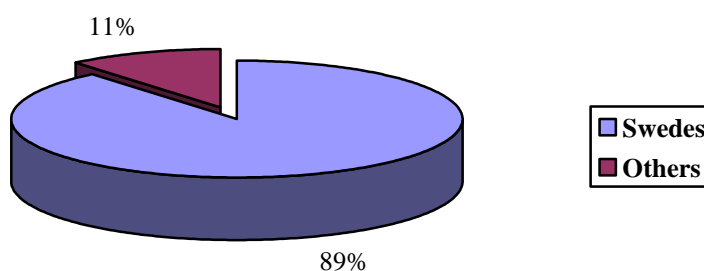
If we take into consideration these elements, we may reach to the conclusion that the example of Sweden as an ethnically homogeneous nation State is only partly true, in both contemporary and historical perspective, and not in absolute terms but only if compared with Central- European nation States.

Sweden as a political entity has accommodated various ethnic groups and experienced significant immigration waves since Middle Ages.

Nevertheless, in spite of having a strong tradition in the field of democracy and human rights, its multicultural relations have for long time been shaped by a selective and pragmatic approach towards minority groups.

As of 2009, autochthonous Swedes represent about 89%: over one tenth of the population is of “foreign origin” and about 200 nationalities are present over the territory.<sup>3</sup> However, it is therefore quite difficult to assess the size of minority groups in Sweden since Swedish administration does not register ethnic or language affiliation.<sup>4</sup>

**Graph n. 3: Ethnic structure of Sweden**



*Source: the table is built on data from Befolkningsstatistik 2009*

---

<sup>3</sup> For further information see Statistics Sweden at <http://www.scb.se>

<sup>4</sup> No official data is kept in Sweden on grounds of ethnic, linguistic and cultural origin, and as methods do not exist for the computation of ethnic belonging that are both ethically acceptable and scientifically sound, the figures given about national minorities are rough estimates which can vary (sometimes considerably) from one source to another. According to the Personal Data Act (1998:204)1, it is prohibited to process personal information that reveals a person's race, ethnic origin or religion/belief.

As we can see from the graph, nowadays approximately 11% of Sweden's population is foreign-born, the largest groups being from Finland, Iran, former Yugoslav republics, Denmark, Norway, Greece and Turkey. About 20% of its population either are immigrants or have at least one foreign-born parent. Even historically, there are no statistics available regarding the presence of non – nationals in Sweden, therefore some debates about whether to include one ethnic group among territorial minorities are possible. For sure, during the time of Swedish expansion in the 17<sup>th</sup> century, people from most of the countries in north Europe and around the Baltic immigrated to Sweden. Among the groups who came were Walloons, Dutch, Germans, Estonians, Latvians, Lithuanians, Finns, Danes and Norwegians, which later represented the leading group in immigration in 19<sup>th</sup> century.

The paradox of contemporary Sweden is therefore having been dominated by one majority ethnic and linguistic group in diachronic perspective and at the same time having one of the highest percentages of foreign-born inhabitants.

However, the above figure is insufficient to sketch the whole picture: Statistics Sweden does not offer a complete picture of a country that is growing ever more multicultural: it excludes a large number of people born and raised in the country of settlement, people who may still identify with their parents' ethnic group.<sup>5</sup> Even though the number of people with foreign background, which comprises foreign-born persons and persons born in Sweden with one or both parents born abroad, appears a more adequate instrument for mapping ethnic communities,<sup>6</sup> the division into some of the countries of origin can give a detailed picture of the size of immigrated communities but not of autochthonous communities, whose members (or at least a great part of them) feel Sweden as their country of origin.

In order to get an idea of the current Swedish ethnic structure, we can refer to table n. 13, presenting data about foreign - born persons as of year 2009, and to graph n. 4 portraying a picture of the most consistent ethnic groups present on the territory as well as the national minorities.

---

<sup>5</sup> See L. Camauer, *Ethnic Minorities & their media in Sweden*, p. 71, available on <http://www.nordicom.gu.se>

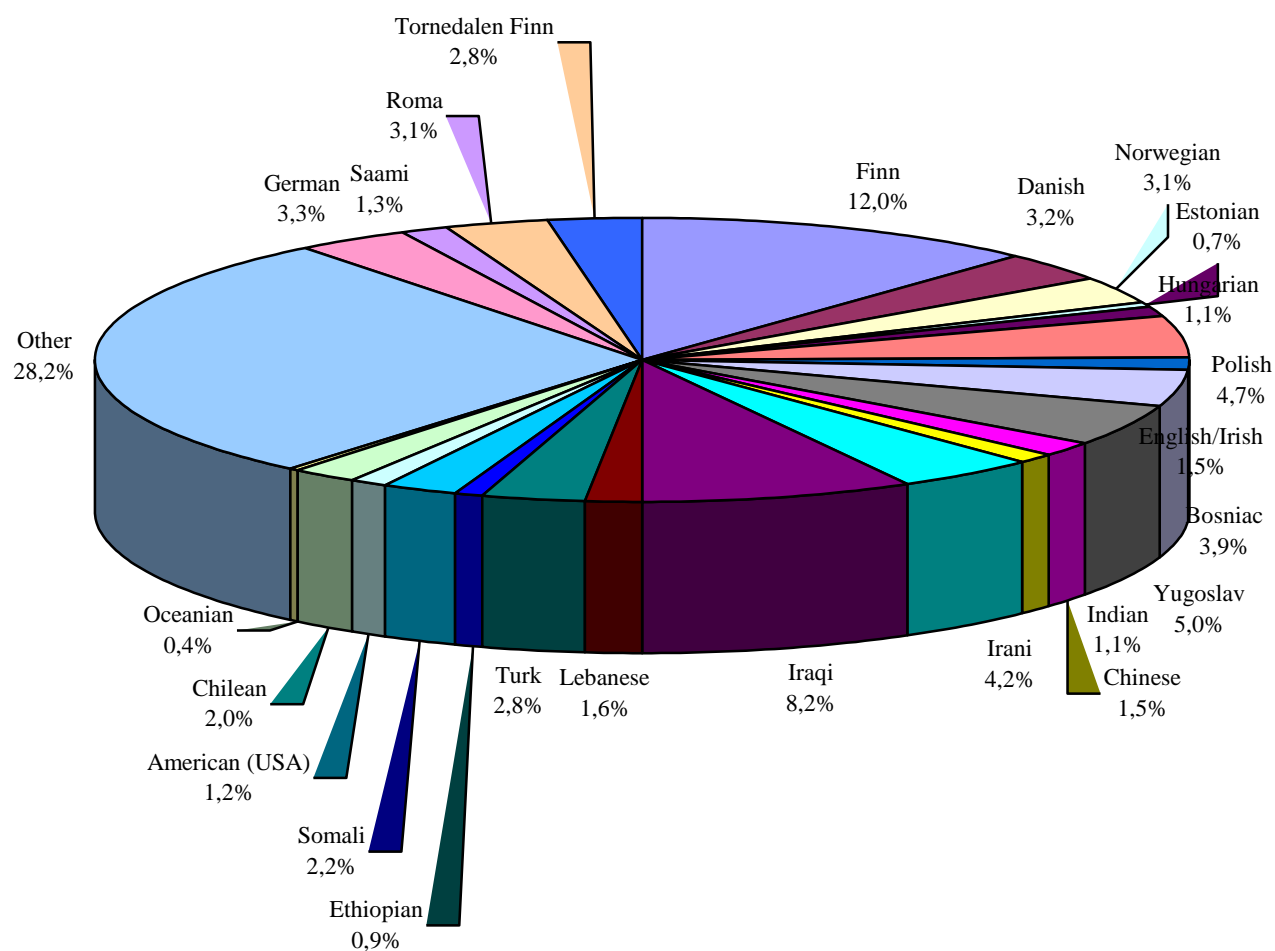
<sup>6</sup> Ibid.

**Table n. 14: foreign – born persons by some of the countries of origins (2009)**

<b>Continent/ country of origin</b>	<b>Number of inhabitants</b>
<b>Nordic countries</b>	
Denmark	46002
Finland	172218
Norway	43819
<b>E. U.</b>	
Estonia	9942
Germany	47803
Great Britain & Ireland	22238
Hungary	15119
Poland	67518
<b>Europe</b>	
Bosnia & Herzegovina	56127
Yugoslavia	71578
<b>Asia</b>	
China	21202
India	16457
Iran	59922
Iraq	117919
Lebanon	23701
Turkey	40766
<b>Africa</b>	
Ethiopia	13052
Somalia	31734
<b>North America</b>	
U.S.A.	16555
<b>South America</b>	
Chile	28320
<b>Oceania</b>	5556

*Source: the table is built on data from Befolkningsstatistik 2009*

**Graph n. 4: population of Sweden by non Swedish ethnic origin**



<span style="color: blue;">■</span> Finn	<span style="color: brown;">■</span> Danish	<span style="color: gold;">■</span> Norwegian
<span style="color: cyan;">■</span> Estonian	<span style="color: purple;">■</span> Hungarian	<span style="color: red;">■</span> Polish
<span style="color: blue;">■</span> English/Irish	<span style="color: grey;">■</span> Bosniac	<span style="color: grey;">■</span> Yugoslav
<span style="color: magenta;">■</span> Chinese	<span style="color: yellow;">■</span> Indian	<span style="color: cyan;">■</span> Irani
<span style="color: purple;">■</span> Iraqi	<span style="color: darkred;">■</span> Lebanese	<span style="color: darkgreen;">■</span> Turk
<span style="color: blue;">■</span> Ethiopian	<span style="color: cyan;">■</span> Somali	<span style="color: lightblue;">■</span> American (USA)
<span style="color: lightgreen;">■</span> Chilean	<span style="color: yellow;">■</span> Oceanian	<span style="color: blue;">■</span> Other
<span style="color: pink;">■</span> German	<span style="color: purple;">■</span> Saami	<span style="color: orange;">■</span> Roma
<span style="color: blue;">■</span> Tornedalen Finn		

Source: the table is built on data from *Befolkningsstatistik 2009*



## 4.2 - Ethnic minorities and their features

The ethnic communities of Sweden can be said composed of two main groups.

➤ Autochthonous minority communities, consisting of five groups legally recognised as national communities. The Sami constitute the only indigenous Swedish minority according to the U.N. definition, but four other groups are today regarded as “national minorities” for policy purposes: the Swedish Finns the Tornedalen Finns, the Roma/Gypsies and the Jews. Overall, these groups count approximately 500,000 members. These ethnic minorities enjoy special status, but since they differ considerably among each other, the Swedish legislator decided that they couldn’t be treated in the same way. Some relevant differences are apparent in the level of protection. All five minorities are defined as national minorities, but whereas Sami, Finnish, Meaenkieli are considered minority languages in the Sweden’s Report on the Council of Europe Charter for Regional or Minority Languages, Romani Chib and Yiddish are considered as non territorial languages, therefore enjoying lower protection in most of fields of application.

➤ Immigrants. About two thirds of inhabitants with foreign background come from European countries - the widest communities are the Finnish, the Yugoslav, the Bosnian, the German, Danish and the Norwegian communities- while one-third comes from other continents. Among the latter, Asia is the most strongly represented, with Iraqis and Iranis *in primis*, while the population groups coming from other continents are considerably smaller. According to national population statistics, the largest group who immigrated to Sweden in 2009 (apart from Swedish citizens) were Iraqi and Somali citizens. Overall, roughly 200 nationalities are represented in Sweden.

The distinction between these two groups is rather clear except for the case of the Finnish minority: even though they have a history in Sweden that goes back several hundred years, the flow of migrants from Finland is still wide and constant, thus it not always easy to distinguish old settlers from new settlers in the absence of a census revealing this piece of information.

Before analysing more in the details the different fields of minority protection, a brief presentation of Sweden’s national minorities and their main features will be made.

#### 4.2.1 - The Sami

Currently, between 17,000 and 20,000 Sami, or Lapps, live in Sweden. Their origins are still unknown, but it is possible to assert that the ancestors of the Sami are to be found among the hunting and trapping people who lived in the Arctic area of the Scandinavian countries during prehistoric times and they have lived in Sweden for more than 7,000 years. The Sami are the indigenous people of Sweden, this means that they lived there before Sweden established its national boundaries.

Their indigenous region stretches along the mountain districts on both sides of the Norwegian-Swedish border down to the northernmost part of the province of Dalarna in Sweden. Though, they don't represent the majority in any municipalities of their region of settlement. About 80% of the Sami in Sweden live in the districts of Norrbotten, Västerbotten and Jämtland. Originally, a great number of Sami has lived in coastal areas around the Gulf of Bothnia, but most of them have been driven away from that area. Today, however, many of them have moved to southern Sweden and Stockholm is sometimes said to be one of the largest Sami settlement in Sweden.

For historical reasons Sami territory and economy in Sweden have been explicitly defined on the basis of reindeer exploitation and this characterization is deeply institutionalised by Swedish government policy: their territory was primarily based on government defined boundaries relating to herding in the 16<sup>th</sup> - 20<sup>th</sup> centuries.

The current situation of the Sami in Sweden has been contingent on the recognition of Sami ethnicity and land-rights as defined by Swedish law and government policy. The foremost element in this context is that Sami rights are based on the so-called *renbeteslag* (Reindeer Grazing Act) of 1928 that explicitly links Sami rights to reindeer ownership. This legal definition was not based on a desire by the State to limit rights but to protect the Sami. It was believed that the Sami were in danger of extinction and needed protection. As a people they were believed to be suited to a nomadic lifestyle.

A central basis for the identity of the Sami is their status as an indigenous people. The Riksdag also confirmed this in 1977, when it was concluded that the Sami are an indigenous people in Sweden and that as such they have a special status.

In 1993 the courts ruled against exclusive rights of hunting and fishing rights in the mountains by the Sami, a legal challenge by non-rural hunters and fishermen in northern Sweden. Sweden has likewise refused to endorse the international convention on indigenous

rights (ILO nr. 169 (1989), in particular art.14 which states: “Rights of ownership and possession of ...the lands which they traditionally occupy... shall be recognized.”

The Sami language, belongs to the Finno-Ugric family. It has five main dialects: North Sami, Lule Sami, Arjeplog Sami, Ume Sami, South Sami, though all varieties include nine languages. The borders between these dialects follow the Sami settlement patterns over the centuries. The differences between the three main dialects are sometimes so great that they can be described as different languages.

The use of these dialects has therefore declined during the 20th century, and in these areas the Sami have largely switched to speaking the language of the majority population. An estimated 70% of Sami speak Sami, or at least one variety of Sami language.

The only law in Sweden that defines a Sami is the Sami Parliament Law, SFS 1991:1433, asserting “By Sami this law means anyone who considers himself or herself to be Sami and is likely to have had Sami as his or her maternal language, or that Sami was likely the maternal language of parent or grandparent, or has a parent who is in the Sami Parliament voter registration list.” The Sami Parliament<sup>7</sup> is a public authority and a representative body for the Sami, composed of politicians who meet three times a year in the Plenary Assembly.

The tasks of the parliament are, among other things, to allocate funding to cultural activities and Sami organisations within the financial limits set by the Swedish state, to guide and direct the work on Sami languages, and to look after matters of special importance to the Sami people. In order to lead the work for the Sami language in Sweden, the Sami Language Council, consisting of six experts representing the different varieties of Sami language, have been set up. The parliament is an authority under Sweden’s government and all operations are controlled by the Swedish Parliament and Swedish Government through laws and appropriation decisions.

The perspectives about a future more far- reaching protection of the Sami are encouraging. Positive changes are likely to take place in the near future: the draft of the new Swedish Constitution, which should come into force by the end of 2011, recognizes a more relevant position to the Sami, defining them not as an ethnic minority but as fully- pledged people, therefore implicitly implying not just cultural but also political rights.

---

<sup>7</sup> For further information about the Sami and Swedish governmental policies see *The Sami People in Sweden*, Factsheet published by the Swedish Institute, Stockholm 1999, available on <http://www.samenland.nl>

<sup>8</sup> See the official website of the Sami Parliament <http://www.eng.samer.se>

#### 4.2.2 – *The Finns*

The term "Sweden Finns" historically identifies the un-assimilated indigenous minority of ethnic Finns who ended up on the "right" side of the border when Sweden was partitioned in 1809, after the Finnish War, and the Russian Grand Duchy of Finland was created. In the Finnish mindset, though, the term "Sweden Finns" includes also immigrants who came to Sweden during the 20<sup>th</sup> century.

The terms used to describe the Finns have changed from one part of Scandinavia to another. In general they have been named *finnar* but occasionally they have been named also *kvenser* (Kvens); this term is more used to refer to Norway Finns, but since the border between Sweden and Norway was not formally agreed before 1751, it is difficult to distinguish the origin of the different terms. Literary sources from the 17<sup>th</sup> and 18<sup>th</sup> century refer to Kven as to Finnish farmers who settled Lapland; nowadays, however, the term Kven is an officially Norwegian one and in particular it characterises Finns who colonised Northern Norway.<sup>9</sup> It was not until the middle of the nineteenth century that the position of the Finns became a matter of debate and that they came to be regarded as an ethnic minority.

The Finns of Sweden have a history that goes back several hundred years, in some areas even to the Middle Ages. Within pre-1808 Sweden, though, we must speak about internal migration. Finns are reported to be present already in Medieval Sweden, even though big communities of Finns in Sweden can be traced back to the Reformation when the Finnish Church in Stockholm was founded in 1533.

It was Finns who first colonised the valleys of the rivers which flow into the Gulf of Bothnia. Many Finns, from the end of the 1500s, colonised large areas of Western- central Sweden, especially in Värmland. The majority of Finns still live now in Norrbotten and in the Torne valley, near the current State border between Finland and Sweden.

During the 16th and the 17th centuries large groups of Forest Finns moved from Finland to Dalecarlia, Bergslagen and other provinces.

In the 1940s, 70,000 young Finnish children were evacuated from Finland to Sweden during the Winter War and the Continuation War and at least one fifth are believed to have remained.

In the 1950s and 1960s the migration from Finland to Sweden was considerable, chiefly due to economic differences between the countries. A large number of Finns colonised the city of Eskilstuna, today one of the most heavily populated Sweden Finnish cities.

Swedish legislation on minorities includes the Finns among historical ethnic minorities, but divides them into two groups: the Swedish Finns and the Tornedalen Finns or Tornedalians. Since both of them enjoy the same status and no relevant ethnic difference can be found between these two groups, why did the Swedish legislator decide to make such distinction? The difference relates more to a geographical area than to an ethnic or cultural entity. However, the reasons appear to be essentially two:

- historically, the Finns in the north and particularly in Norrbotten were the focus of clearly defined policies; those who occupied the areas of earlier settlements in other parts of Sweden received less attention both because they were integrated to a much greater extent into the host communities and because of their geographical position itself;

- Tornedalen Finns present at least one difference with respect to their ethnicity: the language; as a consequence, they are usually regarded as having a stronger minority identity with respect to the other Sweden's Finns.

Finns, in general, represent approximately five per cent of the total population: depending on definition they are reported to number between 250,000 and 450,000 domiciled all over Sweden; though it is estimated that approximately half of them speak Finnish. Finnish is taught only in a few municipal schools and the number of pupils in Swedish Finnish private schools is decreasing.

Swedish Finns are currently described as persons who live in Sweden, have Finnish as their mother tongue, were born in Sweden or Finland and, irrespective of their citizenship, identify themselves with the Swedish Finnish ethnic minority. They received the status of domestic minority group in 2000 and at that time no distinction was made between first settlers and recent migrants, or between Forest Finns and Finns like in Norwegian minority legislation.

An important Finnish-speaking settlement existed in the area around the Torne River already before the Middle Ages and when Sweden, following the war with Russia in the years 1808-1809, had to cede its eastern half of the Realm to Russia, this was done by a frontier being drawn through the Tornedalen, so that the western part of the Tornedalen remained Swedish territory.

---

<sup>9</sup> E. Niemi, "The Finns in Northern Scandinavia and minority policy" in *Ethnicity and nation building in the Nordic world*, ed. S. Tägil, 145- 213, Hurst, London 1995, p. 148-9.

#### *4.2.3 - The Tornedalen Finns*

A relative small part of Finns is constituted by indigenous Tornedalen Finns, residing mostly in the north, with some small community also in the south. According to esteems, they are reported to number between 35,000 and 50,000 individuals.

Tornedalen Finns today live mainly in the valley of the Torne, the Muonio and the Könkämä rivers in northern Sweden. A great part of them lives in the urban area of Haparanda and it is dominant in the rural areas and in the municipalities further north. Their original language is Meänkieli, a Finno-Ugric language spoken in the most northern parts of Sweden which literally means “our language”. From a linguistic point of view Meänkieli is a mutually intelligible dialect of Finnish but it is chiefly distinguished from standard Finnish by a lack of influence from modern 19<sup>th</sup> and 20<sup>th</sup> century developments in that language and it also contains many loanwords from Swedish, pertaining to daily life. In Finland Meänkieli is generally regarded as a dialect of northern Finnish, therefore it does not have any official status in that country, but in Sweden it is regarded as a language, and distinguished by Finnish.

Historically, the area where Meänkieli is spoken and what is now Finland, formed a dialect continuum within the Realm of Sweden. Since the area east of Torne River was ceded to Russia in 1809, the language developed in partial isolation from standard Finnish. In the 1880s, the Swedish state decided that it would be better if all citizens of the country used Swedish. Part of the reason was based on military concern; one felt that people close to the border speaking the language of the neighbouring country rather than the major language in their own country might not be trusted, in case of war. Another reason was that Finns were considered to be of another race. Opinions were, that the Finnish tribes belong closer to Russia than Scandinavia.

A language thus separated from all public life and only maintained in the private sphere soon loses ground. For innovations, the Swedish word had often been incorporated. Thus Meänkieli can be regarded as an old-fashioned northern Finnish dialect. Native speakers of Meänkieli are very well aware of the fact that they speak what is technically a Finnish dialect, but given that Meänkieli is now taught as a standardized language, it could also be regarded a language in its own right rather than a mere dialect. Native Meänkieli speakers were prevented by the authorities from learning standard Finnish as a school subject for decades, which resulted in the survival of the language only in oral form. It is worth pointing out that between 1900 and 1930, and later, during the 50s and 60s, a lot of Finnish-speaking people

(about 20%) legally replaced their Finnish family names by invented Swedish family names. According to experts, there was a deliberate intention on the part of Tornedalians to merge with the overall Swedish society and to identify themselves as fully Swedish.

Meaenkieli is now regularly spoken by approximately 40,000 people, that means more than 30% of Tornedalians, but according to recent statistics there are 150,000 individuals in Sweden who can understand it. The dominant population under the age of 35, though, has poor competence in Meaenkieli.

On April 1, 2000, Meänkieli became one of the five nationally recognized minority languages of Sweden. The Swedish parliament recognised Meänkieli as territorial language of five municipalities of Northern Sweden: Pajala, Kiruna, Övertorneå, Haparanda and Gällivare (the administrative area was not extended following to the reform of 2010). The recognition of this language led to a more comprehensive recognition of the Tornedalians as a distinct group from the Finns. Their language, just like standard Finnish, can be spoken before the court and in all public institutions of the region; elderly care and preschools municipal authorities should provide services and instruction in these languages, if requested by parents or elderly people. Furthermore, Tornedalians can request mother-tongue instruction in Meänkieli or in Finnish. However, few of the employees in the public sector have sufficient literacy in the language; some 50% of civil servants have oral proficiency in Finnish and/or Meänkieli.

Meänkieli is used more openly in oral contacts with people by some civil servants, but has yet not reached the status of general acceptance of being a formal official language. There are few campaigns or written information in Meänkieli, and little information in standard Finnish. A good command in Finnish is not a requirement to be appointed as a teacher or a civil servant in the area.

In the early 80s a revitalisation movement started thanks to the foundation of the Swedish-Tornedalian Association STR-T which is carrying out the task of publishing books, organising activities regarding the language promotion and starting awareness-raising campaigns.

All experts point out that there is a large gap between the language proficiency and use of older and younger generations: old people can speak but not read or write the language while youngsters can speak, read and write it, although they use the language less than their elders.

During the 50s and the 60s language transmission broke down: parents were bilingual and children became monolingual in Swedish. This decrease in the transmission and in the

use of Finnish in Tornedalen was mainly due to the loss of population and the influence of the nation-wide mass-media. The local church played a fairly important role in the preservation of the language: sermons and masses continued to be in Finnish, and the only public officials who spoke Finnish were the Swedish clergy (both Swedes and Finns).

#### 4.2.4 - *The Jews*

The contemporary Jewish community is primarily composed of descendants of pre-war refugees and of Shoah survivors who arrived after the war. 3,000 Jews were accepted into Sweden from 1933 to 1939 and during those years another 1,000 were allowed to use Sweden as a point of transit. By 1942 the Swedish government started to welcome refugees as well. The community also includes refugees who left Hungary in 1956 and others who left Poland in 1968.

However, the first Jews, initially mainly Sephardi Jews, were allowed in Sweden in the late 18<sup>th</sup> century. The first Jewish settlements were established around 1775- 1794 in Marstrand.<sup>10</sup> Later on, Ashkenazi immigration became predominant, and certain evidence of Yiddish being spoken are about a century later.

There are not many sources on the size and status of the Jewish community in Sweden, however a few figures are available: nowadays it is estimated that about 20,000 Jews are present in Sweden. Sweden's main Jewish communities are situated in Stockholm, Malmö, and Gothenburg. Small communities are also found in Borås and Uppsala.

The Jews are recognized as an ethnic and national minority, although they are technically a linguistic minority and Yiddish has the position of "historical minority language" throughout the country, and thus the Swedish State acknowledges a certain obligation to preserve it. It is estimated that today in Sweden 3,000 have a command of Yiddish. In spite of not enjoying extensive minority rights, as we shall see, the Jewish community is generally well integrated in the Swedish society.

---

<sup>10</sup> See Presstodsnämnden, *Minoriteternas medier: kartläggning och analys av situationen för medier som framst riktar sig till invandrare och nationella minoriteter i Sverige*, ElandersGöteborg, Stockholm 2002, p. 25.



#### 4.2.5 - The Roma

According to a report submitted to the OSCE by the International Helsinki Federation for Human Rights in 2005, Sweden hosts the largest number of Roma in the Nordic countries. The number of Roma living in Sweden is currently estimated at between 40,000 and 50,000 people.<sup>11</sup> As a result of several waves of migration from the 16th century until today, Sweden has a heterogeneous Romani population with linguistic, religious, and cultural variations.

The history of the Roma in the Nordic area is little known. Sweden has had a Romani population at least since 1500. They were firstly referred to them as Tater and later as Tattare or Gypsies. A great number of them was deported over the centuries to Finland, which used to be part of the Swedish empire. In Sweden as elsewhere, the secular and ecclesiastical authorities issued various edicts during the 17th century decreeing that the Roma were to be driven out of the country. During the 18th century many Roma were drafted into the army. Others were dispatched to forced labour or forced settlement. A ban on Romani immigration was introduced in Sweden in 1914 and remained in place until 1954. During the period between the two world wars, the Gypsy issue was the subject of a fierce debate which had racist overtones and frequently drew on racial biology.

The Swedish government officially divided the heterogeneous minority into five groups.<sup>12</sup>

- The Finnish Kalé Roma, one of the oldest groups, which counts around 10,000 – 12,000 people; most of them migrated from Finland in the 1960s and 1970s.
- The Travellers, whose origin is still debated: they originate from the very first Roma migrants to Sweden in the 16<sup>th</sup> century and, according to some sources, from German and French soldiers who came to Sweden during the wars of the 17<sup>th</sup> century. However, they are probably the most ancient group and are estimated to be around 20,000 – 25,000 in number.
- The Swedish Kelderash Roma, who are estimated about 4,000 – 5,000. Most of them emigrated from Russia around the end of 19<sup>th</sup> century.

---

<sup>11</sup> For more information and estimates on Roma, see <http://www.euromanet.eu>.

<sup>12</sup> See D. Kai, M. Pejčić, *Unity and fragmentation, challenges to Roma self-organization and collective representation in Sweden*, discussion paper on Roma culture, Uppsala University 2010.

- The “non-Nordic” Roma, which is the largest group and is estimated to be about 15 000 in number. It is a very heterogeneous group with several subgroups and mainly consists of immigrants who came to Sweden from different European countries in the end of the 1960s and in the 1970s. This group includes different religious confessions and at least four languages. The term includes both Vlax and non-Vlax Roma. Most of them belong to the Lovari-speaking Roma who came to Sweden from Poland. But it also includes Kelderash, Romungro and Čurari Roma, who live in Sweden. Among the non-Nordic Roma currently living in Sweden are many with personal experience of the Romani Holocaust of the Second World War.
- A group, mostly from Bosnia and Herzegovina, Serbia and Kosovo, who came to Sweden as a result of the collapse of former Yugoslavia, and which counts at least 5,000 Roma. This group is also quite heterogeneous. These are also called newly arrived. It is mainly Romani asylum seekers and refugees such as Erli och Gurbeti Roma.

Although the last two groups are not technically autochthonous territorial minorities, Sweden decided not to make any distinction among the various groups and to confer them all the status of national minorities, therefore implying their long- lasting presence on the Swedish territory.

It must be noted that this categorization is largely inclusive: each of these Roma group contains several other sub- groups and the classification is often rejected by many Roma communities or individuals: it is in fact based on a sequence of historical migrations, whilst Roma generally focus on innate transnational diversity (for example such groups as Lovara, Arli, Gurbeti, etc... identify themselves as *one* group even though people belonging to them can have differ in nationality, religious confession, dialect spoken,...) <sup>13</sup>

Moreover, one individual can identify him/herself with more than one group: for example he/she can belong to the Finnish Kalé Roma and to the Travellers at the same time. Some Travellers regard themselves as *resande*, an identity that has become more accentuated in line with the new differentiated minority politics.

---

<sup>13</sup> See D. Kai, M. Pejčić, *Unity and fragmentation, challenges to Roma self- organization and collective representation in Sweden*, op. cit., p. 5.

For sure Sweden is one of the few countries in Europe in which the Roma minority presents such innate diversity which often leads to fragmentation, first of all in terms of identity and consequently in terms of representation. The different groups, in fact, often do not cooperate or even mix between each other.

It is estimated that 13 – 14 varieties of Romani Chib are spoken among Sweden's Roma and some times these languages do not imply mutual intelligibility. The main distinction being between Wallachian and non- Wallachian dialects/languages. The former developed among the Roma who were detained in Vlach and Moldova in the 14th to 19th centuries, whilst the latter developed among the groups who started migrating to other parts of Europe in the 15th century or earlier.

In spite of the important changes Sweden's minority policy underwent during the last decade and the tightening of the anti – discrimination laws, the Roma - without any significant differences among the various groups and sub-groups – live in exposed situations in all relevant social aspects, often experiencing individual and structural discrimination, as recent surveys commissioned by the DO clearly show.<sup>14</sup>

According to Domino Kai, development officer at the Equality Ombudsman in Stockholm and member of Roma minority, Roma are the group that is least protected in all areas such as housing, employment, education, health and so on: the Roma population in Sweden is marginalised, subjected to racist abuse, stigmatized in all areas of societies; discrimination mechanisms are the same as in most of European countries.<sup>15</sup>

Since autumn of 2006 the Government appointed the Delegation for Roma Issues with the task of improving the situation of the Roma in Sweden. The main delegation's tasks are:

a) to inform and disseminate knowledge about Roma and their situation in Sweden and to encourage the exchange of knowledge and experiences; the delegation consists of ten members, half of whom are of Roma origin. A number of experts and a broad reference group consisting of representatives for the Roma organizations have also been appointed for

---

<sup>14</sup> Of those asked, about 90% thought that Sweden is a racist country and a country hostile to Romanies. About 25% expressed they do not feel accepted in Sweden at all and that they do not have any participating role in the society. See *Discrimination against Romanies in Sweden* - a report on the DO project in the years of 2002 and 2003 on counteracting and forestalling ethnic discrimination against Romanies, p. 15

<sup>15</sup> Interview.

permanent consultation among central agencies and municipalities;b) to promote and support municipal projects and activities aimed at improving the situation of Roma and

c) to gather experiences in the areas of settlement and submit proposals for how the living conditions of Roma in Swedish society can be improved. The work presupposes a close dialogue and cooperation with Roma. The Government has annual consultation meetings with the representatives of the national minorities, including Roma.

In Sweden there is an extensive legislation against ethnic discrimination. Since Roma as a group are particularly adversely affected by prejudice and discrimination the Ombudsman against ethnic discrimination has received additional funding for Roma related issues.

The different varieties of Romany Chib - Finnish Romani, Kelderash, Lovari, Tjurari, Sinto, Arli, Bugurji, Gurbet and Swedish Romani- spoken in Sweden are protected as one language.

#### *4.2.5 - The Finland Swedes*

As the other minorities residing on the Swedish territory started to present their demands of official recognition, a group called Finland Swedes also desired to become a national minority. As the terms suggests, they are originally from Sweden and this apparently constitute a contradiction with respect to the possibility of gaining a minority status in the country.

The Finland Swedes, or Swedish – speaking Finns or *finlandssvenskar*, already constitute a small minority in the Republic of Finland, where they enjoy the status of national minority. Today their number is about 300,000 but in 1800 they represented 16% of the Finnish population. The Swedish-speaking minority in Finland trace back to the many centuries when Finland was an integral part of Sweden. The Finland-Swedes are ethnically distinguishable from the Finns and also from the Swedes of Sweden.

In site of Sweden's lack of registry of ethnic and linguistic background, it is believed that today about 60,000 Finland Swedes reside in Sweden. Finland Swedes, although ethnically different from Finland Swedes, share to great extent the same history, having at

---

<sup>16</sup> I. Asplund, *Finland – Swedes – a future national minority of Sweden?* 2005 available on [finlandsvensksamling.org](http://finlandsvensksamling.org).

least seven hundred years long historical connection with both Finland and Sweden. Since Finland belonged to Sweden until 1809 and, thus, there was no separate Finnish nationality at that time, sources predating 1809 usually refer both to Swedes and Finns as “Swedes”.

The Finland Swedes, through the Finland Swedes’ National Association, proposed to become a national minority of Sweden on the basis of several criteria:<sup>16</sup> non – dominant position in the society, cultural and traditional characteristics, historical bonds to Sweden and a will to preserve the own identity within the group. Moreover, they proposed to be referred to, together with the Sweden Finns, as Swedish Finlanders.

The Swedish People’s Party in Finland has defined the Swedish-speaking Finns as a people who express Finnish identity in the Swedish language. However, the issue is debated: an opposite view is still that the Swedish-speaking Finns are a sub-group of the ethnic Swedes, or “East Swedes”. Despite these varying viewpoints, the Swedish-speaking Finns in general have their own identity distinct from that of the majority, and they wish to be recognized as such. The Swedes and the Finland Swedes have for sure some characteristics in common but still identify themselves as carriers of different cultural attributes.

However, the Swedish government rejected the proposal since they share the same language as Swedes and therefore cannot enjoy the status of national minority. During the last years, some political parties and NGOs have argued it was a mistake to exclude the Finland Swedes from a status of national minority or at least not to include them *de facto* in the national minority Swedish Finns, especially because the government did not intend to let language be a compulsory part of the national minority definition. According to Asplund,<sup>17</sup> this attitude is to be sought in two reasons:

A. some kind of Swedish “cultural trauma”: Sweden officially admits that new minority politics is an important shift to battle the former Swedishisation and assimilation strategy;

B. the relative little domestic experience concerning minority issues: the recognition of national minorities was historical for Sweden’s behalf and strictly connected with the recognition of minority languages.

Finland Swedes have an ambiguous position within Swedish society: as a group, in fact they are neither considered as immigrants in need of integration nor a national minority in

---

<sup>17</sup> Ibid.

need of *ad hoc* measures in order to preserve it. In practice, they are assimilated to Swedes and treated as such.

Their status as a national minority in Sweden would also enable to more actively participate in cross – border cooperation programmes according to art. 18 of the Framework Convention.

Anyway, although being considered as an autochthonous minority, the knowledge of Finland Swedes in Sweden is very poor and this reflects into parliamentary debates. Thus it is possible to speak about them, at least in Sweden, as a forgotten ethnic minority.

### **4.3. - Minority policies**

#### *4.3.1 – The assimilation policy from 1870 to 1935*

The “anti – minority” policy , moved by the slogans of security and nationalism, dates back to the 1860s. Finns were felt as a potential danger because their language was the same as that spoken in the Russian – controlled Grand Duchy of Finland. Moreover, they were felt as potential fifth columnists in the event of a conflict between Sweden and Norway, on one side, and Russia, on the other. Therefore, a link was made between the demands of Finnish nationalists, present on the Swedish territory since centuries, and the appraisal of military security.

Accordingly, the most important traditional settlement of the Finns, the Torne valley region, was considered a border zone in which the authorities shared a common view of defence policy, by not letting expanding a population not being Swedish speaking. The use of Finnish language was perceived as a provocation, enhanced by the fact that the younger generation was largely monolingual and used to live separated from the majority population. In short, the Finns were seen as a national problem from both a cultural and a security point of view and, on the contrary of the Sami, were told to be immigrants.

The policy of assimilation was in principle applied to all minorities, especially the Sami and the Finns. However, the policy would have probably not been so strict without the Finns. Concrete measures were taken from 1860 onwards: teaching in schools in Finnish was abolished in 1870 and a People’s High School of the Torne Valley was established in order to cultivate Swedish language and culture only.

In the 1880s, the Swedish state decided that it would be better if all citizens of the

country used Swedish and the whole school system was reorganised. The schools in the areas were only teaching in Swedish, and the children were forbidden, under penalty of physical punishment, to speak their own language at school even during the breaks. The reasons for this policy change were essentially two: one felt that people close to the border speaking the language of the neighbouring country rather than the major language in their own country might not be trusted, in case of war; another reason was that Finns were considered to be of another race, closer to Eastern Europe and Russia than Western Europe and Scandinavia.

The assimilationist and education policy pursued in Sweden during this period illustrates how the code of rules and norms limited and obstructed minorities from enjoying their rights in various way. As a result many never had the opportunity to learn their languages. Sami were granted the right to education since the end of 19<sup>th</sup> century: Lapp kids could attend special primay schools where they were taught both Sami and Finnish language. The school was in fact open also to Finns. After 1913, so called nomad school (*kåta* schools) specific for Sami were introduced, but the rule was “Swedish only”; moreover, the level of teaching could not be compared to the one of normal schools, it was said to be adapted to their specific living conditions in the Arctic tundra. National racial biology instutions gave basis for strategies of segregation and alienation of minorities from Swedish society. Certain ethnic groups were considered “tolerable”, like the Finns and to some extent the Tornedalians (although they where also subjected to racial biology studies), whilst others, like the Sami and even more the Roma and the Jews were identified as “undesirable”. Roma had to keep their language secret for a long time and Jews, although they were recognized full citizenship rights in 1870, were regarded as a socially inadequate group.

In the first phases of the assimilation policy, cultural matters were dominant; in a second phase, in the beginning of the 20<sup>th</sup> century, a series of measures taken by educational, civil and military authorities were coordinated; later, in the interwar years, the military power played the leading role in the nation building.

International relations played a great role in a transition to a softer assimilation policy. During these following years, it became also apparent that Finland did not constitute a serious threat itself since no serious demands were made over land, so in 1935 Sweden decided to change the course of its policy through a policy of linguistic *détente*: Finnish language was re-introduced as a voluntary subject in secondary school. This lead, together with better relations between Finland and Sweden consolidated in 1937, to a softening of the assimilation policy, which was anyway not abandoned.

In the last years of WWII, attitudes became more open and Sweden started to receive

immigrants, including Jews, from many neighbouring countries.

#### *4.3.2 - Towards an integrated pluralism after Second World War*

After the Second World War the minority policy, or let's say the non – minority policy changed dramatically. The Swedish history of immigration in the 20<sup>th</sup> century has been marked by a series of turns as regards the volume of migration and the government's attitudes toward minorities. In the last phase of World War II when Sweden, gave shelter to many Jews from Denmark and from other countries. Two million people migrated to Sweden after World War II, including a large number of refugees between 1944 and 1946; this marked the beginning of a new minority policy (including both territorial minorities and immigrants).

Nevertheless, the assimilatory ideology was still quite powerful; even though the legal situation of immigrants was improved, national minorities were lacking specific support and were not equalled to Swedish *folkhem*. Sami did not have a right to mother tongue education and Tornedalians were also prohibited to use their language in public situations, including school playgrounds.

Minority policies directed at Finns differed from those directed to the Sami in several ways as they were for long time regarded as a menace. Heavy migration of Finns to Sweden highlighted problems of integration and of language protection.

However, it was only during the '50s / '60s that a turning point in official attitudes and measures occurred. In 1958 the prohibition against speaking Finnish even during school play time was abolished; in 1970 the first experiments in the school with Finnish as the first language started. But it was only in 1987 that the Finns of the Torne Valley, as well as the Sami and the Gypsies of Sweden were given partial minority status.

Yet it was still considered dangerous to back a policy of ethnic and cultural revitalisation among the ethnic minorities, especially the Finns, and the result was, at least until the 1960s, a non – policy.

Sweden lacked an articulate minority policy until the mid-1970s: before this time, the policies towards ethnic minorities were disparate and aimed at assimilating them into the dominant culture of the country; tolerance and liberalism in government's policy was basically connected to the economic growth.



In the end of the 1960s, in order to face both the indigenous minorities and the growing immigrant minorities' demands, a commission of inquiry was appointed and in 1974 it presented a report which was about to condition the guidelines of Sweden's minority policy. According to it, the overall goals<sup>18</sup> would have been:

- Equality. This implies that minority groups should have the same conditions of life as did the majority, not merely with regard to material standard but also with respect to their opportunities to become integrated in society. Moreover, immigrants and their children should have real possibilities of maintaining their language, culture and contact with their homeland.
- Freedom of choice, in the sense that individual members of minority groups should be able to decide themselves the extent to which they wanted to hold on to their linguistic and cultural identities.
- Co-operation, referring to the majority and minorities' joint action, which should be based on mutual tolerance and solidarity.

The Parliament adopted these goals in 1975 and this slowly brought to a series of changes in the attitude towards minorities and their treatment.

First of all the acceptance of Sami cultural and social life became a responsibility of the State, with the duty to coordinate activities centrally.

Though there was still no coordinated minority policy based upon a thorough assessment of the situation as a whole and paternalism continued for several years after the war. As Roth underlines,<sup>19</sup> the character of the policies of the 1970s and 1980s was largely homogenising and little distinction was drawn between autochthonous and immigrant groups. Minority groups were treated in a relative uniform way by the legislator and they were assumed to have the same material and cultural needs.

One of the most important changes can be detected in the home language reform of 1977, which basically recognised the right of minorities to mother – tongue education. The underlying idea was a model of “equality of opportunities” and collaboration chosen by legislator and confirmed by the new Constitution of 1974, rejecting the “guest workers” model.

---

<sup>18</sup> See L. Camauer, *Minorities & their media in Sweden*, p. 60, available on <http://www.nordicom.gu.se>.

<sup>19</sup> See H. I. Roth, “Multicultural Sweden”, op. cit., p. 214.

Moreover, an open assimilation line was politically becoming more and more difficult due to the raise of some ethnic movements which started to receive support from important national figures.<sup>20</sup>

#### 4.3.3 – *In the wake of the E.U. accession*

Sweden joined the European Union on 1 January 1995, after the membership question was settled in a national referendum a referendum held in November 1994.

This date did not mark any special change in Sweden's policy towards minorities. In the case of Sweden, unlike other (especially Eastern European) countries the turning point in its minority rights regime came posterior to EU accession.

In spite of the Copenhagen criteria, which takes into an account not just human rights but also minority rights, no special emphasis was put on minority protection during the accession negotiations or before the ratification of the FCNM on Sweden's behalf.

Internally, it was not felt as something needed due the already high standards of human rights already applied in the country since the 20<sup>th</sup> century. Externally, the country has also always been seen as one of the cradles of human rights in Europe so that the issue of national minorities was in a way deemed secondary.

We are not saying that all other countries joining the EU had more defined minority protection systems; however, it is noteworthy that no clear policy targeted to national minorities was outlined in the Swedish legal system in the wake of EU accession.

In Sweden, human rights at that time were primarily protected through three Constitutional laws: the Instrument of Government, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. The only minority specific rights Another fact is that in 1995 the Convention for the Protection of Human Rights and Fundamental Freedoms has been incorporated into Swedish law (SF: 1994:1219).

Only a few administrative acts concerning primary education were introduced in the '90s, the Primary School Ordinance and the Grammar School Ordinance and the Sami School Ordinance, which give a legal basis to the previously informal teaching in / of minority

---

<sup>20</sup> E. Niemi mentions for example the figure of the county governor Ragnar Lassinantti in Norrbotten. E. Niemi, "The Finns in Northern Scandinavia and minority policy" in *Ethnicity and nation building in the Nordic world*, op. cit., p. 164.

languages. Nevertheless, the connection between such act and the E.U. accession is not completely clear as no reference is given in the above mentioned acts.

#### *4.3.4 - 1999- 2009: an official recognition*

In December 1999 the Swedish Parliament ratified the Framework Convention for the Protection of National Minorities and the European Charter for Minority Languages, which marked the beginning of a new course in the Swedish policy towards indigenous minorities.

On this occasion, the Parliament formalized the status of five minorities which were recognized as national minorities. These include five groups: the Swedish Finns, the Tornedalers, the Sami, the Jews and the Roma; furthermore, the recognition of the Sami as an indigenous people was underlined. Equally, the languages of these groups were recognized as national minority languages and since that moment the government started a separate policy.

The new policy on minorities means two things: first of all, each minority will have its culture and history represented at universality level; secondly, this will entail special cultural and educational support for each group. The new policy is in contrast to the previous homogenising one which did not distinguish between autochthonous and non- autochthonous groups. As a consequence, national minorities have gained a special place in Swedish society and in Sweden's minority policy.

Since that date, the Swedish government started to develop a legal framework to protect national minorities, which was almost inexistent before. According to the Swedish government, the reasons for protecting these groups through a specific policy were (and are) essentially three:

- they show specific solidarity within the group;
- they have an own religion, linguistic or cultural heritage;
- they have a willingness to maintain their own distinct identity.

The main goals in the following years were:

- to protect the national minorities;
- to strengthen the national minorities' power and influence;
- to support the long- established minority languages with a view to keeping them alive in the daily life.

The provisions contained in these conventions form the basis for the Swedish policy in this area. In order to give application to them, in the year 2000 minority languages laws, which basically entitle individuals when in contact with administrative agencies and courts to use their minority languages, came into effect in certain municipalities in Norrbotten.

The new policy is intended to officially replace the old assimilationist attitude which shaped Swedish attitude towards minorities for centuries. Over the last years Sweden, has taken a number of valuable measures to advance with the protection of national minorities; in particular, it has developed its institutional capacity to combat discrimination with the adoption of a National Action Plan for Human Rights (2006- 2009).<sup>21</sup> The National Action Plan for Human Rights set out a comprehensive approach to human rights issues in Sweden containing a number of measures aimed at promoting respect for human rights during the implementation period. The communication contained an action plan for human rights for the period 2006–2009 (Part I) and a survey of the human rights situation in Sweden in 2005 (Part II). The survey intended to shed light on the shortfalls that may exist with regard to the protection and promotion of human rights in Sweden and thus provides a basis for the action plan. The action plan detailed measures aimed at strengthening a number of rights. The focus of the action plan, among other things, has been on protection against discrimination and rights of national minorities and the indigenous Sami people.

In conjunction with the presentation of the action plan, the Government established a delegation to support the long-term task of securing full respect for human rights in Sweden. The delegation is responsible for: supporting government agencies, municipalities and county councils in their work to secure full respect for human rights in their areas of activity; developing and implementing strategies to increase information and knowledge about human rights in special target groups in the community; stimulating public discussion on human rights; presenting proposals on how to support the task of ensuring full respect for human rights in Sweden when the Delegation has completed its assignment.<sup>22</sup>

---

<sup>21</sup> Government Communication 2005/06:95.

<sup>22</sup> See *A national action plan for human rights, 2006- 2009*, factsheet by the ministry of justice Sweden, 2006.

#### 4.3.5 - A new strategy since 2010

In March 2009 the Swedish government presented a new minority rights strategy, containing several changes in order to strengthen the protection of national minorities by more effective means and to raise the level of ambitions for the implementation of minority rights policies. The new Act on National Minorities and National Minority Languages entered into force on 1<sup>st</sup> January 2010 and constitutes a response to the deficiencies found by international bodies in Sweden's implementation of international obligations.<sup>23</sup>

The main actions provided by the new minority strategy are:

- securing improved implementation of the CoE conventions;
- improving national follow – up of the minority policy;
- counteracting discrimination of national minorities;
- empowering the national minorities and strengthening their influence;
- promoting an actual preservation of national minority languages.

The main changes relates basically to four domains which can be summarized as follows.

A. Implementation of same minority rights in the entire country. This includes the expansion of administrative areas where special minority rights apply. The administrative area for Sami is expanded to an additional thirteen municipalities<sup>24</sup> and the one for Finnish is expanded to an additional eighteen municipalities, including Stockholm.<sup>25</sup> Only the administrative area for Meaenkieli is not expanded. In the new areas, as well as in the old ones, individuals have full right to deal with authorities, receive pre- school and care of the elderly in the minority language. But with the new act minority protection is strengthened also

---

<sup>23</sup> See D. Zimmermann, *Better Protection of National Minorities and Minority Languages in Sweden?*, available on <http://www.internationallawobserver.eu>

<sup>24</sup> The administrative area for Sami now includes also Arvidsjaur, Berg, Harjedalen, Lycksele, Mala, Storuman, Strömsund, Umeå, Vilhelmina, Åre, Alvdalen, Östersund.

<sup>25</sup> The administrative area for Finnish now includes also Botkyrka, Eskilstuna, Hallstahammar, Haninge, Huddinge, Habo, Köping, Sigtuna, Solna, Stockholm, Sodertälje, Tierp, Upplands Väsby, Upplands- Bro, Uppsala, Alvkarleby, Österaker, Östhammar.

outside the administrative areas and indigenous settlements: individuals have the right to use Finnish, Meänkieli or Sami in their dealings with administrative authorities in any area of the country if the case can be handled by personnel proficient in the language. The same goes for pre – school and elderly care. In 2012, ten more municipalities will be included in the Sami / Finnish administrative areas.

B. Transparency about minority protection. The new act foresees that implementation of the minority conventions has to be improved through a clearer government responsibility. This responsibility goes into two directions: first of all, the authorities are to inform the national minorities about their expanded rights; and the realization of the new minority policy is partly demanded to special bodies, i.e. the County Administrative Board and the Sami Parliament.

C. The third improvement concerns the goal of strengthening the influence and power of national minorities. This will be put in practice through improved participation in decision making, a better protection of the use of minority languages and enhancing financial support to organizations representing the national minorities.

D. The last point regards the revitalisation of minority languages; this implies funding for new measures and new planning. The priorities are in particular the increased funding for Integrated Sami education, language planning of Meänkieli and the opening of two Sami language centres. Related to revitalisation measures is also the assignment to the Swedish Road Administration to increase the number of road signs with placenames in minority languages.

The legislation was accompanied by the establishment of a special working group under the government offices which is to supervise and coordinate all aspects of minority protection.

In 2010, another important step, which is likely to affect minority policies, was made: a draft of a new Constitution was drawn and the points which may serve as a basis for further improvements are essentially three:

- Sweden's E.U. membership is part of the Swedish Constitution along with multiculturalism;
- it recognises the right on Sami's and other ethnic, linguistic and religious minorities' behalf to have their culture promoted;
- the Sami are now considered as fully – fledged people.

Sweden's current minority policy stems from different – and sometimes divergent – historical driving forces which Roth<sup>26</sup> summarize as the following.

- The Lutheran culture which shaped the definition of social community, which assumed religion as the most important membership criterion for Swedishness, regardless of language or ethnic origin.
- The universal welfare policy which influenced relations between majority and minority, leaving little room for cultural idiosyncrasy in Swedish society.
- National security issues, which reflected for a long time into the official attitude towards Sweden Finns which have always been the biggest ethnic group.
- Swedish membership of the E.U. which, together with Sweden's interest to appear progressive in the eyes of the other countries given its fame as a country concerned with human rights and universal welfare policy, helps explain the increased sensitivity of the State towards national minorities.

These forces have been typical of certain historical periods, but they all had a role in shaping Sweden's contemporary minority policy.

Table n. 15 summarizes the different phases or minority protection regime in Sweden since the last century. After the assimilation policy that marked a long period of Sweden's attitude towards all minorities until 1935 and to some extent until 1970, a pluralist orientation based on equality of citizens (both of immigrant and autochthonous communities) dominated the last decades of the last century, prior to the official recognition of the national minorities made in 1999, when they obtained special rights. The implementation of such rights became extensive only with the 2010 reform.

---

<sup>26</sup> See H. I. Roth, "Multiculturalism in Sweden", *op. cit.*, pp. 221-225.

**Table n. 15: macro- political responses to ethnic diversity**

Ethnic control or elimination diversity					Minority rights regimes		
					non territorial	territorial	
assimilation	population transfer	exclusion from citizenship	individual civil rights	immigrant multiculturalism	limited cultural or language rights for minorities	cultural autonomy	territorial autonomy
1870- 1935			1970	1970	1999	2010 reform	

*Source:* this table was compiled by the author taking into an account Rechel's table, see B. Rechel, *Minority rights in Central and Eastern Europe*, Routledge, London and New York 2009.

#### **4.4 – Legal protection of ethnic minorities**

As previously mentioned, Sweden recognizes five national minorities, the Sami, the Swedish Finns, the Tornedalians, the Roma and the Jews. The criterion is the long- standing presence on the territory, due to which each of these groups is considered to be a fundamental part of Sweden's cultural history and heritage.

The basis of minority policy is shaped by the National Minorities in Sweden Government Bill (1998/99:143), by the Framework Convention for the Protection of National Minorities and by the European Charter for Regional or Minority Languages, both ratified in 1999. International legal instruments do not automatically become part of domestic law in Sweden and must be incorporated into Swedish law in order to apply before Swedish courts and public authorities. Two main legal acts were adopted to facilitate the implementation of these European documents: the Act on the Right to use Sami in Administrative Authorities



and Courts of Law (SFS: 1999:1175) and the Act on the Right to Use Finnish and Meänkieli in Administrative Authorities and Courts of Law (SFS: 1999:1176), which entered into force in 2000. No corresponding law were introduced concerning the use of Romany Chib and Yiddish.

Swedish authorities were in fact of the view that, at the time of the ratification, Swedish legislation already fulfilled many of the provisions of the Charter. The teaching in or of regional minority languages in Sweden is mainly regulated at central level by the Swedish Education Act (*Skollag*, SFS 1985:1100), the Primary School Ordinance (*Grundskoleförrordning*, SFS 1994:1194) and the Grammar School Ordinance (*Gymnasieförrordning*, SFS 1992:394) and the Sami School Ordinance (*Sameskolförrordning*, SFS 1995:205).

New regulations were considered to be required only in matters regarding pre – school and students having the knowledge of national minority languages.

The Swedish Constitution of 1974 provides in art. 2.5 an obligation for the State to promote the preservation and development of a cultural life of ethnic, linguistic and religious minorities. However, this provision is rather vague and remained so until 1999, when in a declaration made with respect to the Framework Convention, the Swedish Riksdag officially recognised five minorities as national minorities.

Although they had been considered as autochthonous inhabitants even before, this status had been long denied and no difference in treatment was made between territorial minorities and immigrants. Now, since a decade, they have gained a special place in multicultural policy. As H. I. Roth notes,<sup>27</sup> important cultural aspects of multicultural policy (including language policy) have become more closely linked.

top the national minorities, while welfare and integration issues have become more concentrated on immigrant groups that arrived more recently.

The current Swedish minority protection system is built around the model that there shall be geographical delimited areas where protection and support for the national minority is stronger.<sup>28</sup>

---

<sup>27</sup> See H. I. Roth, “Multi - cultural Sweden”, op. cit., p. 214

<sup>28</sup> See H. Pikkarainen, B. Brodin, *Discrimination of national minorities in the education system*, DO: s rapportserie, Stockholm 2008, p.26.

Moreover, the legislator decided to provide special language rights within so called minority administrative districts, which are the traditional areas of settlement. The idea behind this is that a minority and its language are concentrated to a certain geographical area, where it has extensive rights to receive public services in such language.

In spite of being one of the most brilliant models in the field of human rights, Sweden's protection of minorities, and in particular autochthonous minorities, was for long time rather weak and deficient. However, at least since 2010, it is possible to assert that Swedish protection of national minorities is quite effective and that its margins of improvement have dramatically extended.

Nowadays, about 500,000 people are recognised the status of national minority. It is important to remember that no official data is kept in Sweden on grounds of ethnic, linguistic or cultural origin. In accordance with the Personal Data Act 1998:204, it is also forbidden to process personal data that reveals race, ethnic origin or religious belief. Therefore, all figures given, however, are rough estimates based on medians from different sources. Exteems may vary a lot from one source to another: for example, the number of Roma is estimated between 20,000 and 25,000 individuals by the *Statens Kulturråd* and between 40,000 and 50,000 individuals by the Internet site euromanet. Even though the esteems refer to different years, it is obvious that the minority group cannot be doubled in a few years time. However, rough data are provided by:

- professional researchers
- ethnic associations
- governmental web sites
- Sweden's reports on its implementation of the FCNM
- etc...

The concept of national minority has still not been defined in Swedish legislation. Nevertheless, on compliance with the Framework Convention for the Protection of National Minorities, the objective and subjective criteria to be fulfilled in order for a group to be considered a national minority are presented in the Government Bill National minorities in Sweden (1998/99:143):

- it should be distinguished by a marked degree of cohesion and not have a dominant position in relation to the rest of the population; the determination of the group cannot

only be made according to the numeric number of persons within the group but importance must be attached here to structure and unity of the group.

- it should have a distinctive character in terms of religion, language, traditions and/ or culture;
- it should have historical or longstanding ties with Sweden; no absolute limit measured in years is drawn, but the government considers that minority groups those whose minority culture existed in Sweden prior 20th century may be said to satisfy this requirement.
- self – identification: both the individual members and the group as a whole must be prepared to preserve its identity.

Let us summarize the status of the autochthonous communities in Sweden and their estimated numbers through the following tables.

**Table n. 16: status of the ethnic communities in Sweden**

<b>Sweden Finns</b>	<b>Tornedalen Finns</b>	<b>Sami</b>	<b>Jews</b>	<b>Roma</b>	<b>Finland Swedes</b>
Autochthonous community	Autochthonous community	Autochthonous and indigenous community	Autochthonous community	Autochthonous community	Autochthonous community
Recognized as national community	Recognized as national community	Recognized as national community	Recognized as national community	Recognized as national community	Not recognized as national community

**Table n. 17: numbers of the national minorities in Sweden**

<b>Minority</b>	<b>Numbers</b>	<b>Language</b>	<b>Speakers</b>
<b>Finns</b>	450,000	Finnish	225,000
<b>Sami</b>	20,000	NorthSami, Lule Sami, SouthSami	9,000
<b>Tornedalians</b>	50,000	Meaenkieli	40,000
<b>Roma</b>	20,000- 25,000	Romany Chib	15,000- 20,000

		(different variants)	
<b>Jews</b>	17,000	Yiddish	5,000

*Source: Rapport från Statens Kulturråd 2001: 4*

The pillars of the system of minority protection in Sweden can be said to be essentially four:

- minorities are seen both in **individual and collective terms**;
- **free choice of affiliation**;
- the concept of **minority administrative areas**: a more far- reaching protection shall apply to minority languages in the geographical areas in which these languages have traditionally been used and are still widely used today.
- **wide – ranging decentralisation** in respect of minority protection issues;
- relative importance of minority issues in Constitutional debate and preference for minority- **specific initiatives**.
- A **differentiation tendency** according to which different minorities are distinguished on the basis of such factors as numbers, geographical position, age of settlement, etc...
- **Stress on language rights** for the regional – based minorities, with right to use mother tongue in (mainly verbal) contacts with the authorities.

The following official governmental map illustrates minority administrative areas, i.e. places of Sweden where the authorities have to serve the national minorities with their mother tongue.

The parts in red represent the Sami administrative areas, the blue parts the Sweden Finns administrative areas and the yellow parts the Tornedalians administrative areas.

#### **Map n. 7: minority administrative areas, 2010**



The yellow – blue- red striped areas represent administrative districts where all three national minorities are protected. The the yellow – blue striped parts represent areas where both Finns and Tornedalians enjoy special status and the blue – red striped area (Umeå) means that both Sami and Finns are protected there.

As we can see, the most extended area is represented by Sami minority protection area, which constitutes almost one third of the country. Tornedalian minority protection area is also rather large and concentrated in the northernmost part of Sweden and along the Swedish – Finnish border. The Sweden Finns minority protection areas are instead more dispersed and include smaller administrative areas and can be basically divided into four different zones:

- 1) in the Eastern part, the cities of Stockholm, Uppsala and their surroundings;
- 2) in the Western part, the city of Göteborg and the traditional settlement of Borås;
- 3) the city of Umeå in the Northern Eastern part;
- 4) some municipalities of Southern - Central Sweden including the city of Eskilstuna and Hofors;
- 5) the northernmost part of the country coinciding with the Tornedalians protection area.

Overall, after the reform, almost half of the country constitutes minority protection area. There remains a large gap in the Southern part of the country, where it is also possible to find some national minorities' communities, and to some extent in the North- Eastern part of the country.

#### *4.4.1 - Application of international agreements regarding minority rights*

All major instruments in the field of protection of minorities have been ratified on Sweden's behalf. Sweden is bound to protect national minorities by several bilateral and multilateral agreements.

The country has ratified the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages in December 1999.

Additional protection follows from other instruments of international law ratified by Sweden, such as the EHCR (which is applicable law since 1995) and the ICCPR which is binding law since 1971. Let us remember that Sweden did not ratify the ILO Convention concerning Indigenous and Tribal Peoples.

Sweden did not sign any bilateral agreement with neighbouring countries on the

protection of national minorities or on cross – border cooperation which implies specific bilateral protection of national minorities; however, Sweden is taking part to several initiatives. It collaborates with Norway and Finland on issues relating to the Sami people and with Finland on Roma issues since the 1970s in the form of seminars.

Moreover, in 2001 a working group of civil servants responsible for issues affecting national minorities in Sweden and Finland was established, the Finnish –Swedish Working Group for Minority and Minority Language Issues.

#### *4.4.2 – Constitutional provisions*

The very weak constitutional provisions of ethnic minorities in Sweden must be seen in the light of a relative insignificance of the constitution in the legal system as a whole. Therefore, in order to assess Sweden’s minority protection, one must necessarily refer to other sources. However, the Constitution offers the basis for minority protection in art. 2.5.

#### *4.4.3 - Education*

In 1977 Sweden passed the Home Language Reform Bill, with the main to promote active bilingualism. In practice, this meant the creation of Swedish classes with extra mother tongue lessons. From 1990, new independent schools were established, some with another language of instruction or bilingual/multilingual profile. In pre-schools, it laid the basis for mother tongue support.

The current school system is mainly regulated by the Education Act (1985: 1100), which governs the early education system, from preschool, compulsory comprehensive nine-years education to high-school (upper secondary school / senior high-school), as well as other parallel school forms for children with special needs and requirements i.e. special schools and schools with special programmes for children belonging to the linguistic minorities.<sup>29</sup>

In general, provision for minority languages is made through “mother–tongue” and “bilingual” education. The rules concerning the right to mother tongue education apply

---

<sup>29</sup> E. Dingu Kyrklund, *Inclusion and education in European countries*, Final Report: 12. Sweden, INTMEAS Report 2009, p.12.

throughout Sweden and for all other languages than Swedish.

The provision of “mother-tongue” teaching of regional or minority languages in primary schools and secondary schools is regulated by two ordinances, *Grundskoleförordning* (SFS 1994:1194) and *Gymnasieförordning* (SFS 1992:394). These ordinances provide that pupils who have at least one parent with a mother tongue other than Swedish and who use this language as a language of daily communication at home can receive mother-tongue education if they wish to, provided that they have a basic knowledge of the language. The municipalities have an obligation to provide such instruction, if the parents of at least 5 pupils request it and if teachers are available. “Mother–tongue” education basically means teaching the language as a subject, usually outside normal school hours, at most for two hours per week. These rules apply until the upper secondary school but the availability of secondary education in any minority language is very limited.

However, the ordinances also lay down special rules for mother-tongue education for the Sami, Meänkieli and Romani languages: the speakers enjoy this right even if the number of pupils is less than five. Roma pupils with foreign background are the only group entitled to mother-tongue education in two languages, if they need it.

Another choice is “bilingual” education. According to the Education Act, independent schools may be established with the approval of the National Agency for Education. There is in fact a number of independent schools with minority ethnic orientation conducting bilingual (especially Finnish – Swedish) education, which means that part of the education, but not more than fifty percent, takes place through the medium of a language other than Swedish. Currently, the bilingual education model is not very used in municipal schools: independent schools are the only institutions offering it but their number is very limited.

Parents who live in the administrative areas for Sami, Finnish and Meänkieli languages have the chance of placing their children in pre- schools where activities are conducted in the minority language.

For pupils of Sami origin, there are State financed Sami schools, which have been established in 1981, where education is conducted from year course 1 to 6; they are bilingual schools and Sami can be learnt as first or second language. The Sami have for a long time been enjoying an implicit minority status, granting them the possibility to follow a bilingual school where their mother tongue shall be used together with Swedish as an education language. The Lapps’ right to special education can be traced back at the end of the 19<sup>th</sup> century, when Sami kids could attend a Lapp primary school, lasting four years, where they were taught both Sami and Finnish language. After 1913, so called nomad school specific for



Sami were introduced, but the rule was “Swedish only”; as a consequence of this segregated form of school many Sami never had the opportunity to learn their own language at school.

It is only since the 1960s that both Sami and Finns have unofficially been treated as (linguistic) minorities, and education is the field where this special status has been more apparent than in others.

In Sweden there are also some Jewish schools, but they have been recently defined as confessional school and not as “ethnic” school, therefore they do not have the right to public funding like other bilingual school. This decision has taken without Jewish representatives having the possibility of participating in the decision process and this can be regarded as one violation in the field of minority right to education.

Let us summarize the model of minority education through table n. 15.

**Table n. 18: models of education in the administrative districts for Sami, Finnish and Meänkieli**

<b>Sami administrative area</b>	<b>Finnish administrative area</b>	<b>Meaenkieli administrative area</b>
Special <i>Sami schools</i> (grade 1-6): Sami as a first language or as a second language	Primary and lower secondary education: <i>bilingual schools</i> with the possibility of Finnish as a mother tongue	Primary and lower secondary education: <i>bilingual schools</i> with the possibility of Meaenkieli as a mother tongue

#### 4.4.4 - Use of minority languages

Sweden stated that Sami, Finnish and Meänkieli are regional minority languages and that Romani Chib and Yiddish shall be deemed to be non territorial minority languages.

In conjunction with Sweden ratifying the European Charter for Regional or Minority Languages, as already mentioned, two acts provide the individual with a right to use Sami, Finnish or Meänkieli in contacts with administrative authorities and courts (Act 1999:1175, on the right to use Sami at administrative authorities and courts of law, and Act 1999: 1176 on the right to use Finnish and Meänkieli at administrative authorities and courts of law).

In the northern municipalities where minorities traditionally reside, the legislative system guarantees availability to national minorities to use their language in the following domains.

- Contacts with administrative authorities: the right applies to dealings with local and regional State authorities, police, tax authorities, employment offices, etc...
- Topographic names: some important steps have been taken to introduce place names and signs in minority languages, including the introduction of trilingual signs in northern Sweden; when names of places in multilingual areas are determined, they shall be given in those languages that are spoken in the area; the way of writing used by the minority should also be used. However, such steps have at times provoked regrettable local opposition, and there are even reports of traditional minority language street names having been officially replaced by new majority language names.
- Before courts and judicial authorities: this includes the right to use the minority language in criminal proceedings, civil proceedings and proceedings concerning administrative matters; moreover, a legal document is valid if it is drafted in the minority language.
- Pre-school, as already mentioned above.
- Elderly care: the municipalities within the respective administrative areas shall also offer care of the elderly services where the whole or parts of the activity are conducted in Sami, Finnish or Meänkieli.

#### *4.4.5 - Political participation and representation*

In Sweden there are no political national parties that represent the national minorities and no provision can be found in this field. No places in the Riksdag are reserved for national minorities, although there is a number of Riksdag members with minority backgrounds.

In Sweden, however, minorities can influence matters concerning them through a strong participation in public life. One possibility is to take part to a consultative body. Sweden has a long tradition of involving non- governmental organisations through participation in parliamentary committees, and this is particularly true as regards the national minorities. One key point of the country's minority policy, in fact, is that those affected by the policy are able to make their opinions known before decisions are taken.

The national minorities' organizations are consultative bodies and representatives of the minorities are included to great extent in decision processes that have consequences for them. The system of committee and consultancy procedures constitutes a characteristic element of the Swedish political decision- making process, through which minorities can present their

standpoints. National minorities can, through their organizations, have the right to co-determination – in matters affecting them – during the preparation of Government Bills for the Riksdag.

The Sami have a special position as regards political participation, since they can influence decision – making process through the Sami Parliament, which is a national administrative authority. The Sami Parliament has the goal to protect the interests of Sami national community, their culture, traditional lifestyle, use of minority language, and to ensure that international law and Swedish legislation provide adequate support and protection. The Parliament includes 31 members, democratically elected, who represent eleven Sami Parliament parties. It was established in 1993 but since then the body's activities have gradually expanded: after Sweden's entry into the E.U. it is also responsible for the Sami programme included in the E.U. structural fund programme for the development of Sami culture and economy. The Sami Parliament and the Government have regular contact to discuss current issues related to finance, law, organization, ... The minister responsible for Sami affairs and representatives of the Sami parties have annual deliberations on current questions. However, it's important to remind that it is not a self – determination self governing body that shall act *instead* the Riksdag or the municipal council or any other elected body and it is formally acknowledged as a special agency.<sup>30</sup>

The Sami Parliament, however, is not granted any actual political influence or real power, such as a right of participation in decision-making, veto-rights concerning administrative decisions, or a legal status as a body to which proposed legislative measures on Sami issues ought to be referred for consideration by other administrative authorities.<sup>31</sup> The parliament is a soft form of consultation: it is a consultative mechanism, but serves mainly an advisory function, and no mandatory action follows its hearings.<sup>32</sup> Moreover, it is not a

---

<sup>30</sup> The Sami Parliament's formal status is stated in the first paragraph of the Sami Parliament Act, 1992: "This Act gives provision for a special agency- the Sami Parliament – with the primary task of monitoring issues concerning the Sami culture in Sweden".

<sup>31</sup> See U. Morkenstam, "Indigenous peoples and the right to self- determination: the case of the Swedish –Sami people", *The Canadian Journal of Native Studies* XXV, 2(2005):433-461.

<sup>32</sup> See A. Tomaselli, *Research results on pre - conditions in the consultation procedure of well - established minority consultative bodies: Some examples from the Sami Parliaments' experience*, available on [www.ohchr.org](http://www.ohchr.org)

genuine form of representation: not all the Sami participate in the elections of the Sami parliaments.

Neither a complete cultural autonomy has not been implemented yet despite repeated attempts by the Sami organizations and national committees.

As said, the other national minorities can deal with the government only through their representative organizations, which are the only bodies that can try to influence on Sweden's minority policies. They are the following:

- for the Finns: the delegation of the Swedish Finns;
- for the Tornedalians: the Swedish Tornedalian Association;
- for the Roma: Roma National Union;
- for the Jews: Official Council of Jewish Communities in Sweden.

As far as local representation concerns, there are significant differences between local authorities on their commitment to involve national minorities in decision- making. Whereas in certain municipalities minorities have influence both through mainstream and through specialised structures, in some others they are largely absent from decision – making processes.<sup>33</sup>

A positive case is provided by the example of the Regional Working Group in Norrbotten, set up under the county Administrative Board and made up of representatives of municipalities, county councils and members of Sami, Finnish and Tornedalian communities. The process of decision - making respects the equality and autonomy of each community without taking into consideration the geographical wideness of the communities.

The Roma people do not have such a representative body, though they can also have some influence on matters concerning them through the Roma Council, composed of ministries and Roma representatives working together with the task of submitting proposals and draft laws that can promote the situation of Roma minority in Sweden. The Roma Council was created in 2002, replacing the Roma Working Group of 1996. Another example of representation on the national level are the Roma National Associations.

As mentioned above, one of the biggest problems regarding Roma representation is that some times one representative from one Roma group ends up indirectly representing all

---

<sup>33</sup> See Advisory Committee on the Framework Convention for the Protection of National Minorities, second opinion on Sweden adopted in 2007, available on <http://www.coe.int>

other subgroups. Nevertheless, at the local level various associations and organisations have tried to avoid this problem by including in the Board of Directors members from all five Roma groups,<sup>34</sup> like the Roma Cultural Centre in Huddinge (Stockholm).

**Table n. 19: political participation of Sweden's minorities**

	<b>Sami</b>	<b>Finns &amp; Tornedalians</b>	<b>Roma</b>	<b>Jews</b>
<b>Representation in elected bodies</b>	- Sami Parliament  - absence of representation in the Riksdag	none	none	none
<b>Participation in decision- making</b>	Right to co- determination through Sami Parliament	Right to co- determination through minority' organizations	Right to co- determination through Roma Council	Right to co- determination through minority's organizations

#### 4.4.7 - Cultural life

The Swedish National Council for Cultural Affairs is responsible for implementing the national cultural policy determined by the Government and the Riksdag. Among other things, it is responsible for allocating national funds to cultural operators, including minority ones, in fields as literature, museums, exhibitions, concerts, arts, etc... Since the introduction of the minority policy, the minorities' national organisations have been able on annual basis to apply for a grant for their activity. The funds are allocated in accordance with the Ordinance on Government Support for National Minorities (2005:765).

The New Finnish Theatre, the special Swedish-Finnish Cultural Foundation, which promotes Finnish-speaking culture, and the Finnish Institute in Stockholm (including its

---

<sup>34</sup> D. Kai, M. Pejicic, *Unity and fragmentation, challenges to Roma self- organization and collective representation in Sweden*, op. cit., p.11.

Swedish – Finnish library), an institute for the promotion of Finnish culture, receive government funding.

The Tornedal Theatre, the Swedish Tornedalian Association, producing literature in Meaenkieli in relevant areas of interest, and Academia Tornedaliensis, safeguarding Meaenkieli language through publications, have received financial support from the Swedish Arts Council every year.

The Sami have a far-reaching autonomy in the cultural field thanks to the Sami Parliament. The Sami Parliament receives government support for cultural activities, which is distributed by the Council for Cultural Affairs within the Sami Parliament. The Sami Parliament may also put forward proposals in any area which the Sami themselves deem to be of special interest to the Sami culture. The Swedish National Council supports the Sami Parliament to finance subsidies to Sami NGOs. The Sami Parliament has a Council for Cultural Affairs that handles most of the issues related to Sami cultural activities: it decides independently on how government subsidies are to be allocated to Sami culture and Sami organisations. The Sami Parliament also administrates the Sami Library.

#### *4.4.8 – Information and the media*

Until few years ago, minority protection in the media field was totally deficient, and the Press Subsidies Council was commissioned in 2001 to map and analyse the situation of the media; the report issues in 2002 emphasized that Sweden lacked a system of state support for radio and TV in minority languages and, more in general, specific forms of support for minority media production.

The situation has partly changed a few years ago: in accordance with the broadcasting licenses for 2007 – 2009, public services in Sweden shall consider the interests of linguistic and ethnic minorities.

The channel P6, Radio Sweden International, is presented in the company's web site as the international and multicultural channel of public server broadcaster, SR. Two special units within SR produce programmes in Sami and Finnish. Minority associations get a concession within the Community Radio, but the only minority which broadcasts programmes is the Finnish one.

The public service broadcaster SVT produces programmes in minority languages: newscasts, magazine and children's programmes are regularly aired in Finnish and Sami, and

a number of programmes in Meänkieli (Tornedal- Finnish) are sent since 2000. Minorities can also operate among the in the public access channels broadcasting.

Public Sveriges Television broadcasts daily a programme in Sami language, with an average of five hours per month. Radio programmes in Sami are more common: Swedish Radio, *Sameradion* and *Sveriges Utbildningsradio* broadcasts a huge amount of hours in Sami language and Swedish Radio broadcasts more than 450 hours annually.

Sveriges Television broadcasts daily in Finnish language: a daily news programme *Uutiset* represents one of the best examples of Finnish - Swedish integration in the field of media, highlighting the conditions of Finns in a bi-cultural perspective. Children's programmes, documentaries, current affairs are also broadcasted, for a total of approximately 130 hours per year. Swedish Radio, through P7, leaves a great place to Finnish – speaking programmes, broadcasting more than 7,000 hours per year.

Meänkieli is the language that, among the three, is less frequent to hear in TV, partly due to the very limited number of speakers, most of whom, otherwise, speak and understand also standard Finnish. Nevertheless, Sveriges Television broadcasts a few hours per year in Meaenkieli language, mostly children's and entertainment programmes. On the contrary, Swedish Radio, through P7, broadcasts more hours in Meaenkieli than in Sami, i.e. more than 800 hours per year.

Within the international unit of SR, *Radio Romano* has been established in 2001. It broadcasts in Romany Chib few hours per week.

However, no special governmental support for the production of minority TV programmes has been given regardless of language. Of course there are on restrictions on the freedom of direct reception of radio and television broadcasts from neighbouring countries.

As far as written media concerns, it can be said that the minority press landscape is populated mainly by unpaid individuals who produce a great number of small and low periodicity publications, which often have financing problems.<sup>35</sup>

There are currently only a few newspapers published in Finnish minority language, for example *Ruotsin Suomalainen*, *Finn Sanomat*, *Viikkaviesti*, *Liekki*, *Haparandabladet*. The latter is a bilingual three- days –a week local newspaper covering the Torne Valley and it is also partly written in Meaenkieli and in Sami, too. There are also more local magazines,

---

<sup>35</sup> According to Camauer, as of 2003, there were 38 periodicals in Finnish, one in Sami, one in Romany Chib, one in Swedish – Finnish and one in Yiddish. L. Camauer, op. cit., p. 80.

generally issued by the Finnish minority associations, published in Finnish language and covering different topics.

Tornedalians have a magazine in their own language, *MET- Aviisi*, published by the Swedish Tornedalian association.

The Sami also have their own magazines, *Samefolket*, issued once a month in Swedish language, and *Sami Nourra*, also published in Swedish.<sup>36</sup>

In 2006, a special committee appointed by the government presented a report on how to facilitate the establishment of newspapers / magazines in Meaenkieli and Sami languages, but until now this hasn't been translated into practice.

Even the Roma minority has its own magazine, *E Romani Glinda*, since 1998. *E Romani Glinda* is a politically and religiously independent magazine primarily aimed at Roma, but also to various organizations and agencies that come into contact with Roma or Roma-related issues, and to all others interested. It is published in Swedish language but deals with topics that concern Roma people both at national and international level (culture, events, ongoing projects, experiences, etc...).<sup>37</sup>

The Jews also have their own magazine (in Swedish language) called *Judisk Kronika*. There are not radio or TV broadcastings in Yiddish.

The Swedish Film Institute has, during the 1990s, established three regional film production centres: the most important is Filmpool Nord, situated in the County of Norrbotten. It collaborates with parties at regional and local level and produces work both in Sami and Meänkieli.

The field of minority media is overall relatively well developed, with some remarks:

- the Jews are almost absent from the minority media scene;
- the Roma lack *ad hoc* TV programmes in Romani Chib;
- the Roma and the Sami lack a newspaper/magazine entirely published in their language;
- TV and radio programmes in Meaenkieli and Sami are still a rare occurrence.

---

<sup>36</sup> See Presstodsnamnden, *Minoriteternas medier: kartlaggning och analys av situationen för medier som framst riktar sig till invandrare och nationella minoriteter i Sverige*, ElandersGotob, Stockholm 2002.

<sup>37</sup> Check <http://www.romaniglinda.se>



Let us summarize the situation of national minorities' media through table n. 20.

**Table n. 20: Minority print and broadcast media**

	<b>Finns</b>	<b>Tornedalens</b>	<b>Sami</b>	<b>Roma</b>	<b>Jews</b>
<b>Print media</b>	Several newspapers and magazines with <i>Ruotsin Suomalainen</i> , <i>Finn Sanomat</i> , <i>Haparandabladet</i> among the most famous ones	Some articles on the newspaper <i>Haparandabladet</i> , magazine <i>MET-Aviisi</i>	Some articles on the newspaper <i>Haparandabladet</i> and two magazines in Swedish	One magazine (Swedish)	One magazine (Swedish)
<b>Radio</b>	<i>P7</i> , about 583 hours per month	<i>P7</i> , about 66 hours per month	<i>Sameradion and Utbildningsradio</i> , about 37 hours per month	<i>Radio Romano</i> , few hours per week	No
<b>TV</b>	<i>Sveriges Television: Uutiset</i> , programme of daily news	<i>Sveriges Television</i> , few hours per year	<i>Sveriges Television</i> , few hours per month	No	No

#### 4.4.9 - Cross – border contacts and involvement in cross – border cooperation

Transfrontier exchange is well developed in Sweden. Since decades, cooperation is carried out over the borders between Swedish – Finnish organizations in Sweden and organizations in Finland.

In particular, the Torne Valley region offers one of the most interesting case- studies in the field of cross- boundary regionalization and city twinning, that of Haparanda (Sweden) – Tornio (Finland).

These cities constitute one of the most successful examples of transboundary regionalisation and have been often seen as a model of transnational integration. Although they administratively belong to different states, different forms of cooperation are carried on in almost all administrative sectors through the Tornedalen Council and under the treaty in the Administration of the Border River Torne.

Through the establishment of Provincia Bothniensis they were able to create one of the most integrated Euroregions and an archetype of the United City of the future, constituting a unique example of city twinning beyond cultural, political and ethnic divisions; therefore it is also an example of minority cooperation.

The population of the southern part of the Torne valley represents five autochthonous groups:<sup>38</sup>

1 ) Finland Finns. They live in Tornio and its hinterland, on the eastern side of the river, speaking Finnish language with some local regional dialect. They are mostly monolingual with the exception of higher officials and people with particular boundary-related jobs or interests. The Finland Finns have little experience of Sweden and might only use the neighbouring country when some types of supply are cheaper or better available on the Swedish side. Thanks to the existence of many Finnish speakers on the Swedish side, they can usually be served in their own language.

2) Sweden Swedes, living mainly in the urban area of Haparanda municipality. Some are descendants of the old urban population of merchants and traders. Some are politicians, officials, teachers etc. occupying prestigious professions open to people moving across the whole state territory. Since they come from different parts of Sweden, they mostly have little or no knowledge of Finnish. Due to this, the Finland side is more or less incomprehensible to

---

<sup>38</sup> See T. Lundén, “European Twin Cities: models, examples and problems of formal and informal cooperation”, in *ISIG Quarterly of International Sociology*, n 3 / 4, Gorizia: ISIG 2004.

them.

3) Torne Valley autochthonous inhabitants, speaking both Swedish and Finnish (with some differences among generations), the original language of the region. Their language skills may differ between the elderly, whose Finnish may be better than their Swedish, and the young, whose Finnish may be rudimentary. The original language of Torne Valley is Meänkieli which literally means “our language”; it is a Finno-Ugric language spoken in the most northern parts of Sweden and Finland. From a linguistic point of view Meänkieli is a mutually intelligible dialect of Finnish.

4) Sweden Finns, who are mostly immigrants from Northern Finland who have settled in Haparanda after having lived in Southern Sweden as labourers. Most of them speak Finnish only and even though they have usually learnt some Swedish their capability of communicating in Swedish may be low. Their reason for moving to Haparanda seems to be to keep some advantages of being Swedish residents. Living close to the boundary, their main interest is preserving their Finnishness and contacts with the mother land.

5) A few Sami, but most of them have merged with the majority population; therefore they won't be considered as relevant actors in the transborder region. Nowadays they do not represent more than 1% of the population. Sami is not a recognised minority language in Tornedal but in four close municipalities of northern Sweden.

In Tornio area, Finns represent almost 95% of the population; in Haparanda, Swedes hardly represent 75%, therefore we may assert that the majority population in the entire Torne Valley area is composed of Finns, whether autochthonous Torne valley inhabitants or coming from other parts of Finland. They represent the most important link between the two sides in the activity of cross- border cooperation.

From a linguistic and cultural point of view, whereas the Finland side is quite homogeneous, on the Swedish side there are four rather distinctive groups. Both monolingual Sweden Finns and bilingual Torne Valley inhabitants (and, of course, the Sami as well) claim to be the autochthonous people of the region.

In 1986, the city governments decided to study possibilities for cooperation between municipalities, after more than twenty five years of informal collaboration. As a result of this study, Provincia Bothniensis, a cooperation organisation between Tornio and Haparanda, an actual Euroregion, was established in 1987 and made permanent in 1990.

Provincia Bothniensis' aim is to promote cooperation between the two border cities. The common development and deepening of cooperation is the administration's

responsibility, which acts as a joint local structure. The Administration of City Councils appoint five members each for municipal electoral period; this organisation also has its own office. Provincia Bothniensis is definitely the first Eurocity in Europe and its structure represents the archetype of the United City of the future.

The main reasons for fostering cross- border cooperation between Tornio and Haparanda have been essentially a question of survival, in particular the desire to make the total area a viable one in spite of its peripheral location, a the need to guarantee better services for residents at a lower cost and the wish to enhance development and growth. All this has been possible due to the achievement an exemplary model of minorities' coexistence, which has been at the same time the driving force of the cooperation and the result of it.

An easy cross- border cooperation between the two municipalities has been possible because of a bottom – up process initiated by ethnic minorities, enjoying such favourable factors as a common history, shared interests, existence of an 'open' border, a high degree of bilingualism and a very strong local political support together with a true partnership culture: the populations communicate effectively without any language barrier and 90% cross the border on a daily basis.

In addition, there have been many projects in progress belonging to the EU Interreg programme. Since 1995 there have been dozens of projects in different areas: for a period of more than fifteen years, it's possible to list several concrete results which also have brought economic benefits to the cities. The objectives, which were set at the founding stage of the organisation and in the course of cooperation, have been achieved and in most areas even exceeded. These achievements include cooperation in: <sup>39</sup>

- several cultural and leisure time activities, including sport: golf court was built on the border wetlands separating Tornio and Haparanda; a walking path of 5 kilometres, leads through the two towns and an agreement for the joint use of Haparanda swimming pool goes back to mid- 1960s; also existing is cooperation between sports associations and a common goal is to improve and complement the existing range of services;
- borderless education with free school attendance across the border on all levels;
- developing shopping attractions;
- steel industry in order to create an international 'Steel Valley';
- joint investments in fire and rescue services;

---

<sup>39</sup> For more information check Haparanda's official site <http://www.haparanda.se>

- health care, notably in a) utilising expensive equipment and specialists, e.g. gastroscopy and x- ray services and b) combining the district healing networks;
- tourism, a joint tourist office was created in 1998 as well as a common tourism policy;
- employment agencies, informing both sides of the boundary about available jobs;
- borderless use of facilities (the two cities cooperate in running a common circle bus line;
- carrying out the redevelopment plan of the city bay, located at the national frontier;
- plans for a common police station;
- common investments in technical services such as a) the common waste water stage plant, b) common district heating network and energy delivery, c) common ambulance service, d) common spatial planning, e) rescue services.

Cooperation between Haparanda and Tornio has received wide attention both in Finland and Sweden both internationally; the towns have participated in many international projects with the aim of developing cooperative efforts similar to the Haparanda - Tornio pattern between other city twins on European borders. They are also partners in “City Twins Cooperation Network”, where they constitute a paradigmatic example for many other border towns.

Both at unofficial and official level, it is not uncommon to hear or read the name of Hapatornio, which underlines that the two cities constitute nowadays *one* urban agglomeration. This has been formalized by the acquisition of a joint logo in 2006.

It is possible to assert that cross - border cooperation between Haparanda and Tornio covers all aspects of daily life: it takes place on a daily and regular basis, it involves partners from all areas on both sides of the border, no matter what their ethnic affiliation is; and it is conducted at all level, not only local but also regional and national.

One of the most important examples of cross – border cooperation in the Torne Valley is borderless education, which emphasises bilingualism as a unique richness of Haparanda-Tornio. In spite of the lack of a legal basis defining rights and duties in the field of cross – border cooperation, there have been some excellent examples of cooperation in minority issues, including transborder projects on Finnish language education between Haparanda and Tornio. Education is the field in which the bottom – up nature of the cross – border cooperation is more apparent.

An agreement on cross- border open school attendance at comprehensive school level was signed by the two towns in 1978, even before the establishment of a formal cooperation body and before Sweden officially started its minority policy. After the contract was signed, it

was statutoried both in Finland (*Lex Tornio*) and Sweden.

Since 1989 the cities have a joint language school in Haparanda in which instruction has been given in Finnish and Swedish and the curriculum of the school is a combination of the curricula of the Finnish and Swedish school systems. Here children grow up becoming bilingual and international at the same time: from their first year in primary school they learn a second language- that of the neighbour. The new generations are often trilingual, speaking Swedish, Finnish and Meänkieli, and master at least English as a foreign language.

The central goal for the educational cooperation within Haparanda-Tornio is to streamline the use of school resources. In autumn 1998, an Euro upper secondary school, called Eurolukio, was established and started its activity.<sup>40</sup> This is a unique example among schools and it was built with special reference to bilingual or trilingual minorities (but not only) of the region: in its curriculum internationalism something concrete since the aim is that pupils gain active skills in more than two language and good possibilities for postgraduate studies both at Finnish, Swedish and European institutions of higher educations and universities.

Free cross-border education does not only include elementary school, but also pre-school (according to the nursery agreement of 2002), high school and vocational education colleges. According to esteems, around 100 students per year commute over the border, attending a school in the neighbouring State. Common cross-border usage of premises, resources and equipment is every day life.

Borderless education also includes cross border teachers' meetings, trainings, lectures; students' health care and welfare (development of common action for students with special needs); contacts and meetings between headmasters and administrations. Schools are also trying to develop common themes and curricula at all levels through close cooperation between administrations and between pupils and teachers.

In spite of successful cooperation there is still much to be done. Among the main problems we can mention the following points.

First of all there is a certain discrepancy in hierarchy levels: one example, affecting transborder welfare, is provided by Lundén<sup>41</sup> underlying that while certain aspects of medical

---

<sup>40</sup> S.E. Bucht, R. Ronkainen "Tornio – Haparanda: a unique result of city-twinning". A position paper presented for the 4th NRF Open Meeting in Oulu, Finland and Luleå, Sweden, October 5-8, 2006.

<sup>41</sup> T. Lundén, D. Zalamans "Local co-operation, ethnic diversity and state territoriality. The case of Haparanda and Tornio on the Sweden-Finland border", *GeoJournal*, 54:33-42, 2001.

and health care in Sweden are responsibility of the County Councils, this is taken care of by municipalities in Finland. Secondly, some difficulty can be found regarding the homogenization in State legislation: at the state boundary this local cooperation often meets a number of problems in the form of state-wide legislation that does not foresee the need for local coordination across the boundary. Both countries should enable to establish some kind of international federation of municipalities with legal status in both towns.

Even though they are not so heavy, there are still ethnic minority issues to clear out: Swedish Tornedalens do not usually like being associated with Finnish not even with Finnish Tornedalens, because of the stigma still associated with Finns in Sweden: a strong anti-Finnish attitude is deeply rooted among Sweden Tornedalens. Thus, for Swedish Tornedalen people, the defence of their identity includes claiming their being Swedish. Moreover, both Sweden and Finland have a tradition of ethnic nationalism.<sup>42</sup> One aspect of ethnicity relates to linguistic identity: Meänkieli language, spoken by the autochthonous Torne Valley inhabitants, has the lowest status, though even Finnish is generally associated with low status (both cultural and socio-economic) whereas Swedish is regarded as the prestigious language, and about half of the population claims that bilingualism is associated with stigma and thus a burden for the speakers. This situation has somewhat changed since 2000 when the language law came into force. This also leads to some kind of negative perception of bilingualism (both for Swedes and Finns), which would be actually a unique richness of the region.

The ethnic issue is apparent in some kind of “us and them” mentality which, in spite of a high degree of bilingualism, is still perceivable for example in mass media consumption, reflecting a clear “national” interest with a strong local bias as highlighted by Lundén:<sup>43</sup> each town is dominated by newspapers issued for the province in either Finland or Sweden, in Finnish or Swedish only; moreover, according to a recent research, in both towns 89% said they are interested in local news, while around 55% are interested in the local news of the other side.

---

<sup>42</sup> According to Gellner traditional Finnish nationalism resembles closely the national movements which arose in Central and Eastern Europe and the Balkans. In Sweden nationalism is supposed to be framed in terms of external relationships towards other nations rather than in terms of protectionism. See E. Gellner, *Nations and nationalism*, Oxford: Blackwell 1983.

<sup>43</sup> See T. Lundén, “European Twin Cities: models, examples and problems of formal and informal cooperation”, op. cit., p.17.

In spite of some resistance coming from above and below, the two municipalities have shown a great willingness to cooperate in order to strengthen the position of the area and to give a new centrality to minorities living in the area and have managed to create an integrated borderland where minorities and majorities perceive themselves as members of one social system.

#### **4.5 - Conclusions**

The lack of a minority policy and in particular one directed to autochthonous communities has traditionally been one of the gravest deficiencies in Sweden.

The entry into force of the FCMN and the European Charter for Regional or Minority Languages led to a dramatically change in governmental policies and legislation, marking an important advancing in the protection of national minorities.

Furthermore, with the reform of 2010, several steps have been taken towards a more comprehensive protection in line with European standards.

In particular, the territorial scope of Sami and Finnish minority languages has been largely extended, and now covers most of areas inhabited by the respective national minorities. For example Southern Sami, which were totally neglected in governmental policies before, now also enjoys the same protection as the other Sami inhabiting traditional areas: the rights guaranteed in the Act on the Right to use Sami in Administrative Authorities and Courts of Law and the Act on the Right to Use Finnish Administrative Authorities and Courts of Law can now be virtually enjoyed by all Sami and Finns.

Sweden also has a long – standing tradition of language policy, with mother – tongue instruction available, more or less officially, at least since mid of 20<sup>th</sup> century. Moreover, the government decided to implement some pilot schemes in this field. One of them, launched in 2004, intends to make it easier to provide mother - tongue tuition for the national minorities in nine-year compulsory school. According to the Ordinance (2003:306) on pilot schemes offering bilingual education, a municipality may arrange pilot schemes offering bilingual education also in grades 7-9. However, private schools, which receive public funding, remain the key source for minority language education.

Sweden's public service broadcasting encompasses certain commendable practices towards minority languages media: extensive radio broadcasting, for example, is available in Sami and Finnish.

Even though the participation of national minorities in decision- making process is not



“legalized” yet, it takes place through minorities’ organizations which function as consultative bodies with the power to influence government decisions.

The most successful example of historical minorities’ coexistence in Europe has been developed at the Swedish / Finnish border, where cross - border cooperation has been carried on as a bottom – up process.

Overall, although legislative activity regarding national minorities has not increased very much after E.U. accession and ratification of the FCNM, Sweden has in the last few years taken a number of valuable measures to advance their protection.

In spite of this, the development of minority policies and legislation has been complicated by some factors.

- The **lack of reliable statistical data on national minorities** constitutes one of the major problems, as rough estimates cannot serve as a basis for targeted minority policies. Lack of reliable data at least complicates and limits the formulation, implementation and improvement of the policies. Moreover, it also reduces the visibility of national minorities and minority languages in Sweden.

- The **territorial limitation** covered by the main language acts poses significant problems with respect to the Sami and Finnish languages: the territorial scope of this legislation excludes notably the territories where South Sami has been traditionally spoken, and the territories where there is a substantial traditional presence of Finnish, so that the percentage of Finnish speakers benefiting from the relevant acts is very low.

- The Swedish minority protection model is legally binding; however, at a smaller scale level, sometimes municipalities and officials believe that the norms regarding minority rights are just recommendations and simply do not apply them as they should; one of the main reasons is the **lack of sufficient instructions** from the central level and the lack of some kind of surveillance on behalf of some kind of control mechanism.

- Moreover, one of the main actual obstacles to implementation of legislation appears to be the current **division of responsibilities between the central and local authorities**. The implementation is mainly the responsibility of municipalities (in particular in the field of education). As a result, implementation of legislation largely depends largely on the political will within municipalities and on the awareness of the local authorities about minority language issues, both of which are highly variable. Sweden has a long tradition of local self- government, which is also one of the core values of the Council of Europe, but central administration remain responsible at the international level. Accordingly, a national

agency responsible for the protection of minorities is essential in order to monitor the implementation of minority rights and assisting municipalities in fulfilling their tasks.

- In spite of existing provisions, the amount of **minority language education**, at least in public schools, is very limited, also due to a lack of qualified personnel mastering the minority language and a lack of proper textbooks in the minority languages (especially Sami and Meänkieli). Moreover, except for the Sami, the possibility to receive bilingual education is restricted to the 6th grade.

- The **participation in decision – making process** on behalf of autochthonous minorities' behalf remains restricted; although it is mainly carried out through minorities' organizations, they don't enjoy a strong political influence; in particular, a weak point in the Swedish regime of minority protection is the lack of bodies with legal status which could be officially taken into consideration for proposals of legislative measures.

- Some deficiencies are also apparent in the **minority media system**, especially as far as print media concerns. Whereas radio broadcasting in Finnish and Sami languages is quite extensive, to date all autochthonous minorities lack a daily newspaper; an attempt to launch a Finnish daily newspaper failed in 2005 due to financial difficulties and initiatives to create a Sami daily newspaper have not produced concrete results. Several magazines are present but they usually have a typical local or sectorial character and they are often published in the majority language. Print media subsidy system appears inadequate to support national minorities' cultural and information needs.

- National minorities do not enjoy the same status, in spite of equal recognition regardless of citizenship. This implies some kind of **clear hierarchy among national minorities**. For sure the Sami, the Finns and the Tornedalians are guaranteed more rights, as their languages are considered territorial languages. Although some efforts have been conducted in favour of Roma people, especially in the field of education and non - discrimination, they are still largely absent from public life. This is also the case for the Jews, who are in practice considered more as a religious than as an ethnic / cultural community. As a matter of fact, Swedish authorities hardly provide any information about protection of the Jewish national minority in their reports on the implementation of the FCNM or of the European Charter for Regional or Minority Languages. Moreover, Jewish private school teaching in Yiddish are classified as religious schools, which means a probable end of public funding, according to a governative proposal.

- This implicit hierarchy is likely to create **new boundaries** between different minorities, i.e. a) the North Sami being recognized extensive language rights and the South

Sami still striving for them, b) the Jewish and the Roma minorities on one side, deprived of their own minority administrative areas and of some basic language rights, and the other national minorities on the other side, and in particular between the Jewish minority, protected but treated more or less in purely confessional terms, and the other minorities.

The Kingdom of Sweden has not only formally ratified minority rights standards but has also enacted various reforms: in practice, the norms – in spite of some gaps concerning the treatment of transnational groups like the Roma and the Jews – the norms are there, but there is great reluctance among managers and officials at various agencies to implement them.

According to Stefan Mikaelsson, the chairman of the Plenary Assembly of the Sami Parliament in Sweden, underlines that the status of Sami people in the country is constantly improving, “mainly due to the development on the international arena in regards to Human Rights” but “still it is possible for i.e regional government to overlook the shift of status for the Sami peoples”. The weakest point is that “the kingdom of Sweden has rejected to ratify ILO-convention no 169 despite various appeals from EU parliament to immediately and without delay to do so. Another weak point is the embarrassing attitude from the same countries when it comes to an ratification of Nordic Sami- convention.” In brief, considering the formal obligation of the kingdom of Sweden in regards to the Sami peoples, according to Mikaelsson,<sup>44</sup> there is not any particular area where he would use the wordings “well protected”. “The national law (2009:724) makes Sami to be ‘best’ protected, even though the Sami peoples are not a minority”; “the greatest achievement is that it does give in practice some funding that is also possible to apply for from the dominating communities / municipalities and that makes it interesting for the communities/municipalities to create and arrange efforts that is visible for the dominating society in communities/municipalities”. Nevertheless, areas which still lack actual protection are: essentially three: 1) first of all, rights to land and waters in traditionally used areas; 2) secondly, the lack of Sami representatives in regional governments, courts, Swedish parliament etc.; 3) thirdly, the Sami rights to reindeer husbandry. Therefore, in order to guarantee full right to the Swedish Sami, Mikaelsson would urge the government to: a) ratify the ILO- convention no 169, b)

---

<sup>44</sup> Interview to Stefan Mikaelsson 25/09/2011.

ratify the Nordic Sami convention, c) provide seats for the Sami representatives in supreme court, d) establish of a commission with Sámi and Swedish representatives (in equal numbers) in order to implement the UNDRIP (United Nations Declaration of Rights of Indigenous Peoples), e) establish a reconciliation-committee with a broad mandate and efficient funding so that the apology from former minister of agriculture Annika Åhnberg in 1998 can be filled with a substantial content.

According to Domino Kai,<sup>45</sup> development manager at the Discrimination Ombudsman, specially with reference to Roma people, Sweden's application and implementation of international and also internal documents is weak bits; "Rights cannot come into full force when the individual himself does not know their rights and not make demands, and that society denies these individuals or do not know about them, and when you use other ways through mostly blame the lack of resources". In practice, Roma people are not given chance to get to know their rights and ask for them. According to him, in order to practically improve the current situation concerning not just of Roma minority issues but all national minority issues, every governmental agency should be obligated to follow the followning fundamental steps: "management support and commitment; inclusion of the new perspectives on minority rights in policy documents; establishment of *ad hoc* structures and implementation of the existing rules; training tailored to different audiences, i.e. strategic training to management, in- depth training to other managers and key employees, oriented information to all employees of perspective to the business; exchange of experience within the organization and among organizations with similar activities; constant monitoring and evaluation. "

According to Lars Dencik,<sup>46</sup> Jewish representative and Professor of Social Psychology, one explicit ambition that has been already formulated is to have one university chair or institute devoted to studies of the respective minority, a Centre or Department for minority (Sami, Finnish, Tornedalian, Romany, Jewish) studies e.g. at Uppsala University. Though, this has not yet been translated into practice.

---

<sup>45</sup> Interview to Domino Kai 24/08/2011.

<sup>46</sup> Interview to Lars Dencik 26/10/2011.

**Table n. 21: foundations of minority protection in Sweden**

<b>Basic issues</b>	<b>Legal aspect</b>
<i>Nature of the population</i>	No existing provision
<i>Primary source where it is possible to find the term “minority”</i>	Government Bill
<i>Criterion of protection</i>	Long – standing presence on the territory
<i>Application of principles of protection</i>	Minority administrative districts
<i>Minorities covered by the texts</i>	Sami, Finns, Tornedalen Finns, Roma, Jews
<i>Definition of protected minorities (if existent)</i>	”National minorities”
<i>Type of minorities</i>	Sami, Finns, Tornedalen Finns, Roma and Jews are treated as national minorities with the same status; Sami, Finns and Tornedalen Finns are recognized further language rights
<i>Basis of individual membership</i>	Being a member of a minority depends solely upon an individual’s free will
<i>Effects of membership</i>	No influence on the acquisition or loss of an individual’s citizenship
<i>Type of guaranteed rights</i>	Rights of communities as well as of individual members of minorities
<i>Positive discrimination</i>	In spite of anti – discrimination recent acts, legislation does not explicitly accommodate the introduction of positive measures (apart from sector law in the field of employment)
<i>Difference of minority rights (if existent)</i>	Sami, Finns and Tornedalen Finns: same special rights Roma: lower protection Jews: lowest protection Others (considered as immigrants): general protection under art. 2.5 Const.

**Table n. 22: Rights of the protected minorities in Sweden**

<b>Rights</b>	<b>Sami minority</b>	<b>Finnish minority</b>	<b>Tornedalian minority</b>	<b>Roma minority</b>	<b>Jewish minority</b>
<i>Protection of basic rights regardless of minority's numerical strength</i>	yes Government Bill (1998/99:143)	yes Government Bill (1998/99:143)	yes Government Bill (1998/99:143)	yes Government Bill (1998/99:143)	yes Government Bill (1998/99:143)
<i>Territorial autonomy</i>	no	no	no	no	no
<i>Self – Governing political institutions</i>	Partially Sami Parliament Act	no	no	no	no
<i>Guaranteed political representation in Parliament</i>	no	no	no	no	no
<i>The right of a representative of the minority to put a veto on minority's fundamental problems</i>	no	no	no	no	no
<i>Guaranteed representative in local administration</i>	no	no	no	no	no
<i>The language of the minority is</i>	yes Government Bill	yes Government Bill	yes Government Bill	Yes Government Bill	Yes Government Bill

<i>recognised as an official language</i>	(1998/99:143)	(1998/99:143)	(1998/99:143)	(1998/99:143)	(1998/99:143)
<i>The right of using the minority's language in local administrations</i>	yes Act on the Right to use Sami in Administrative Authorities and Courts of Law (SFS:1999:1175)	yes Act on the Right to Use Finnish and Meänkieli in Administrative Authorities and Courts of Law (SFS:1999:1176)	yes Act on the Right to Use Finnish and Meänkieli in Administrative Authorities and Courts of Law (SFS:1999:1176)	no	no
<i>The right of using the minority's language with the administrative authorities</i>	yes Act on the Right to use Sami in Administrative Authorities and Courts of Law (SFS:1999:1175)	yes Act on the Right to Use Finnish and Meänkieli in Administrative Authorities and Courts of Law (SFS:1999:1176)	yes Act on the Right to Use Finnish and Meänkieli in Administrative Authorities and Courts of Law (SFS:1999:1176)	no	no
<i>The right of using the minority's language with the Courts of Justice</i>	yes Act on the Right to use Sami in Administrative Authorities and Courts of Law (SFS:1999:1175)	yes Act on the Right to Use Finnish and Meänkieli in Administrative Authorities and Courts of Law (SFS:1999:1176)	yes Act on the Right to Use Finnish and Meänkieli in Administrative Authorities and Courts of Law (SFS:1999:1176)	no	no
<i>The authorities are obliged to exercise the right of using the minority's language during official celebrations</i>	no	no	no	no	no

<i>The authorities are obliged to expose the minority's flag</i>	no	no	no	no	no
<i>Obligatory bilingual topographic inscriptions</i>	no	no	no	no	no
<i>Bilingual documents</i>	no	no	no	no	no
<i>Right to veto on decisions made by local institutions</i>	no	no	no	no	no
<i>Radio programmes in minority language</i>	yes	yes	yes	yes	no
<i>TV programmes in minority language</i>	yes Government Bill 2000/1: 94	yes Government Bill 2000/1: 94	yes Government Bill 2000/1: 94	yes Government Bill 2000/1: 94	no
<i>Financial support regarding minority periodicals and newspapers</i>	yes	yes	yes	yes	yes
<i>Education and schooling in minority language</i>	yes Education Act (SFS 1985: 1100)	yes Education Act (SFS 1985: 1100)	yes Education Act (SFS 1985: 1100)	yes	no
<i>Financial support</i>	yes Ordinance on	yes Ordinance on	yes Ordinance on	yes Ordinance on	yes Ordinance on



<i>regarding the minority's cultural activities</i>	Government Support for National Minorities (2005:765).	Government Support for National Minorities (2005:765).	Government Support for National Minorities (2005:765).	Government Support for National Minorities (2005:765).	Government Support for National Minorities (2005:765).
<i>Distribution of public employments and benefits on the basis of "ethnic proportionality"</i>	no	no	no	no	no



**PART III**

**ASSESSMENT OF THE PRACTICE OF MINORITY PROTECTION**

### **INTRODUCTION TO PART III**

The third part of the work is dedicated to the analysis of minority protection in Slovenia and Sweden under comparative perspective. The key elements of the two systems will be underlined and similarities and differences will be stressed with the aid of tables. The aim is to give an overall evaluation of the systems, taking into an account field by field.

In the last chapter, the results of an empirical survey will be presented. The survey, carried out through structured questionnaires to the members of two border minorities and one transnational minority, intends to reveal what is the gap like between governmental policies and main legal provision and people's perception of protection field by field. One part of the chapter is dedicated to the presentation of the methodology and one part to the analysis and comment of results.

## **CHAPTER V**

### **COMPARATIVE EVALUATION**

#### **5.1 - Comparative assessment of minority protection in Slovenia and Sweden**

After having analysed the models of minority protection from both the perspective of both the Republic of Slovenia and the Kingdom of Sweden, we will be shortly comparing the two regimes point by point, remarking the similarities and the differences, trying to understand why these models have resulted quite effective, as a relative low degree of inter- ethnic tensions (at least if compared to most of other European countries) shows.

It is by no means an easy task given the inherent differences of history, territory, social fabric, population, political system and application of the Framework Convention for the Protection of National Minorities and other European documents.

I will be looking specifically at seven main headings, those being:

- the understanding of the term minority,
- the educational system,
- the use of language,
- political participation and representation,
- cultural life,
- information and the media and
- cross – border contacts.

##### *5.1.1 – A different starting point ...*

The Slovenian and the Swedish political and legal systems differ very much between each other. This cannot not influence the minority protection system, not only its contents, namely the internal application of European standards, but also its general framework. With this regard, three main points are worth to be mentioned.

1. Whereas in Slovenia the protection of national minorities, at least on the paper,

dates back to the beginning of the 20<sup>th</sup> century, i.e. to the times of Yugoslavia, Sweden developed its protection regime only at the very end of the 20<sup>th</sup> century, namely at the time of its ratification of the FCNM, even though unofficial policies were applied since the 50s.

2. The different forms of government have consequences on the legal system, including the legal minority protection system: whereas in Slovenia most of important provisions are contained in the Constitution, which explicitly mentions the recognized national minorities, in Sweden the protection is guaranteed by specific acts and initiatives and only a vague reference to national minorities is made in the Constitution.
3. The wide- ranging decentralisation of the system led the Swedish legislator to leave wide margins of discretion in relation with some basic issues of minority protection to regional and municipal authorities, which have the main responsibility for supervising and dealing with related problem; as a consequence, a uniformity of treatment is often lacking and whereas some municipalities can be regarded as exemplary models (see for example the case of Haparanda), others – in spite of being located within minority administrative areas- show unawareness of obligations incumbent upon them; one by contrast, in Slovenia a uniformity of treatment is guaranteed by the Constitution and although some best practices can be detected, no remarkable differences are found in the protection regime within the single municipalities.

To summarize, the main preliminary differences between Slovenia's and Sweden's minority protection systems, stemming from the inherent different nature of the political system, are essentially three, as we can see from the following table.

**Table n. 22: main differences in minority protection systems and their consequences**

<b>“Age” of the protection system</b>	<b>Role of the Constitution</b>	<b>Degree of decentralisation</b>
↓	↓	↓
<ul style="list-style-type: none"> <li>- Tradition of protection within the political culture</li> <li>- Comprehensiveness of</li> </ul>	<ul style="list-style-type: none"> <li>- Preference for the legal mean of protection</li> <li>- “Legitimation” of the</li> </ul>	<ul style="list-style-type: none"> <li>- Degree of discretion at local level</li> <li>- Level of certainty</li> </ul>

minority policy - Development of methods of collection of data on ethnic affiliation	minority protection issues	- Uniformity of treatment
---	----------------------------	---------------------------

### 5.1.2 - ... Leading to some similarities

In spite of a relative differing application of the FCNM, Slovenia and Sweden have developed a regime of minority protection which presents some key points in common such as the following.

- Both countries explicitly list their respective national minorities in the declarations made with respect to the FCNM. When listing its national minorities, the State has wide margins of discretion in including or excluding certain minorities; the decision can create analogous demands on behalf of other minorities which claim to have long historical ties with the country and possible informal hierarchies among minorities. Nevertheless, in our opinion, listing minorities which enjoy special status is the first step and the only certain basis towards a comprehensive minority policy.
- With the ratification of the FCNM both countries recognized those minorities that had historically been present on the land and some of which already enjoyed an internal protection system (officially in the case of Slovenia and unofficially in the case of Sweden).
- The concept of ethnically mixed areas and the one of minority (languages) administrative areas are quite similar: the principle is that regions where minorities traditionally reside should provide further protection regarding basic issues, in particular the use of minority languages in private and public sphere.
- Both countries include Roma among protected minorities, although they apply two different “methods”: Sweden considers them as a national minority whereas the exact diction in Slovenia is ethnic community, which is however constitutionally protected.
- In both countries ethnic affiliation is a matter of free choice of the individuals.
- Both countries guarantee, even though with some underlined deficiencies, a good level of mother tongue’s education.
- In both countries there exist, more or less obviously, some kind of hierarchy in the

treatment of different kind of minorities, where some fall behind the others in spite of their demands (and recognition) of autochthony. Sweden does that by excluding ethnic groups that are already present in the country (for example Finland Swedes) and not granting some minorities extensive rights in the public use of their languages, whilst Slovenia introduced a difference between groups enjoying single political subjectivity and those who enjoy dual political subjectivity. Even among protected minorities, Roma appear to fall one step or two behind the other ones; the same applies in Sweden, where Roma and Jews visibly enjoy lower protection in practical terms, partly due to a lack of personnel speaking their minority languages but partly also due to a political will.

- National minorities (in particular, Italians in Slovenia and Finns in Sweden) of both countries seem to have intense relations with the respective mother State and strict cooperation is carried out both at formal and informal level.

**Table n. 23: main similarities in minority protection systems and consequences**

<b>Concept of traditional minority areas →</b>	Recognition of long standing presence of territorial minorities
<b>Roma as territorial minorities →</b>	Legal prerequisites for non discrimination
<b>Free ethnic affiliation →</b>	Respect for ethnic identification
<b>Stress on the language →</b>	Recognition of the use of minority language in both private and public situations
<b>Different treatment of different minorities →</b>	Implicit recognition of some kind of hierarchy
<b>Intense cross border relations on minorities' behalf →</b>	Examples of cross – border cooperation aiming at creating a uniform model of minority protection



### 5.1.3 – The understanding of “national minority”

Within the realms of international law it is often, especially with the drafting of conventions, treaties and declarations, that the language contained in articles is left rather vague. In all binding European documents, as we have seen, the very term national minority was left undefined. This had led to two differing interpretations of the concept by both countries.

The term national minority has been interpreted as meaning specific groups that were already historically present on Slovene territory. In this respect the Slovene authorities have managed to exclude the Roma from being granted the equal status of national minority and only recognising those minorities that have historically been present on the land. In doing so, they have also managed to exclude large part of ethnic groups that more recently have settled in the country during the era of Yugoslavia.

In Sweden, the concept of national minority has still not been well defined in legislation. Both countries received criticism of their interpretation of the definition of national minority, because they exclude ethnic minority groups that are already present in the country since a long time (although this is more apparent in the Slovene case).

The main difference here lies in the legal realms of both nations. Slovenia mentions explicitly its national minorities in the Constitution and several laws and disposals, whereas Sweden, although recognising its five national minorities, leaves some space for future possible recognition of other minorities once they should have fulfilled the required criteria to be defined as such. However, in both cases the basis for the definition of national minority is the long standing presence on the territory.

**Table n. 24: understanding of national minority in Slovenia and Sweden**

<b>Slovenia</b>	<b>Sweden</b>
<b>Long standing presence on the territory</b>	<b>Long standing presence on the territory</b>
<b>Legal definition</b>	<b>Absence of legal definition</b>
<b>Enumeration of protected minorities</b>	<b>Enumeration of protected minorities</b>
<b>Improbable future recognition of other minorities</b>	<b>Margins for future recognition of other minorities</b>

#### 5.1.4 – Educational system

Minority protection in education field is strictly connected with language policies. Both in Slovenia and Sweden, education in one's mother tongue is guaranteed only to some minorities: to the Italians and the Hungarians in the former and to the Sami, the Finns, the Tornedalians and the Roma in the latter. Both countries exclude one legally protected minority from this possibility, i.e. Slovenia the Roma and Sweden the Jews.

Moreover, the way in which the countries have ratified the FCNM and the European Charter of Regional or Minority Languages means they are under no obligation to offer education to other groups within the country.

One relevant difference pertains the length of education offered in minority languages: whereas Slovenia guarantees this right up to completed secondary education, i.e. during the whole structure of school system, Sweden offers this possibility only from grade 1 to 6 of Grundskola in Sweden, that means basically primary education (from 7 until 12 years old).

Also the models and terminology chosen differ between each other: Slovenia opted for two different regimes, the monolingual one for the Italian minority and the bilingual one for the Hungarian minority, whereas in Sweden two possible models can be chosen: mother tongue or bilingual education. Mother-tongue education means teaching of a language. Bilingual education means that part of the education (up to 50%) takes place through the medium of a language other than Swedish. Bilingual education is currently limited to the primary school level, with decreasing hours per week as pupils progress, and only marginally available in municipal schools. Slovenia has by far achieved more with the establishment of public bilingual schools for minority student.

**Table n. 25: educational systems in Slovenia and Sweden**

<b>Slovenia</b>	<b>Sweden</b>
<b>Monolingual system</b>	<b>Mother tongue system</b>
<b>Bilingual system</b>	<b>Bilingual system (limited to private schools)</b>
<b>Primary, lower and upper secondary school</b>	<b>Primary and lower secondary school</b>

### 5.1.5 – Use of language

Both countries have a similar position on the use of minority languages; however, the difference in the composition of each society has led to a different path in the application of the FCNM. Provisions apply to ethnically mixed areas in both cases, but the protection in this field appears to be stronger. In Sweden, local and regional authorities often do not translate their official documents and information about their operations into minority languages. Publication of the texts of local and regional authorities in minority languages are almost completely absent.

The presence of place names in minority languages is also not satisfactory, in spite of undertakings. Overall, in spite of the above mentioned shortcomings, public agencies have a better command of minority languages in Slovenia than in Sweden. Here again, the age of the protection system plays a decisive role with respect to the use of minority languages in public life: the recent administrative Acts concerning the right to use Sami, Finnish and Meänkieli in dealings with public authorities cannot be equaled to the provisions contained in the Slovenian Constitution basically for two reasons:

- they are not yet so deep rooted in the system
- they are still under implementation
- personnel (i.e. public officers) who should give implementation has started to be trained after their enter into force, i.e. only ten years ago.

**Table n. 26: use of minority languages in Slovenia and Sweden**

<b>Slovenia</b>	<b>Sweden</b>
<b>Use of minority languages in ethnically mixed areas:</b> <b>Administrative authorities</b> <b>Judicial authorities</b> <b>Public agencies</b> <b>Topographic names</b> <b>All official forms and documents</b>	<b>Use of minority languages in ethnically mixed areas:</b> <b>Administrative authorities</b> <b>Judicial authorities</b> <b>Pre- school</b> <b>Elderly care</b>

### 5.1.6 – Political participation and representation

In the realms of political participation it is hard to say which country has the right model. In both countries all citizens are free to participate in the political process. But whilst Slovenia has a relevant number of provisions for the inclusion of the Hungarian and Italian minorities in both municipal and national levels, Sweden has few members of national minorities in the legislative bodies, public services and government itself and no provisions exist for the appointment of national minorities' delegates to its parliament. National minorities in Slovenia enjoy, moreover, a right to veto on matters affecting them: if the legislation is part of a wider piece of legislation the veto is not evocable as it only applies to laws and issues related to their status and rights. Such right does not exist in Swedish legislation, with the result that national minorities are vastly under represented in mainstream politics nor they have a relevant influence on decisions affecting them.

Moreover, whilst national minorities in Slovenia can express their political autonomy through autonomous political institutions (the self- governing communities), this possibility is largely denied to Sweden's national minorities and totally absent in the Swedish legal framework.

**Table n. 27: political participation and representation systems in Slovenia and Sweden**

<b>Slovenia</b>	<b>Sweden</b>
<b>System of legal inclusion of national minorities' delegates in parliament and municipal councils</b>	<b>System of committee and consultancy procedures with national minorities' delegates</b>
<b>System of self- government</b>	<b>No system of self- government</b>

### 5.1.7 – Cultural life

In the field of culture, both Slovenia and Sweden guarantee a good protection to national minorities through public funding. In Slovenia the legal basis for cultural policies towards

national minorities is found in the Consitution and in the Exercising of the Public Interest in Culture Act (Ur. l. RS, No. 96/2002): each year associations and other organizations of minority ethnic communities can apply with their projects to the competitions of the Public Fund for cultural activities and the programmes of the Italian and Hungarian national communities are provided on the basis of a direct invitation for applications. Due to the well developed legal framework and various institutional, administrative and financial arrangements put in place for their benefit, the Hungarians and Italians enjoy considerable protection in those areas contributing to the development of their culture.

In Sweden such support has no legal basis in the Constitution but is regulated by a government ordinance. The Swedish scheme includes strict eligibility conditions: in order to receive such funds, national minority organisations need to have local branches in at least five regions. As a consequence, some national minorities' organizations appear currently to fall outside all public funding schemes, for example the Tornedalian one which are obviously quite compact on the territory.

In both countries, though, the level of public resources allocated to the activities of national minorities remains inadequate when compared to the actual needs expressed by organisations of national minorities.

**Table n. 28: framework minority culture protection in Slovenia and Sweden**

<b>Slovenia</b>	<b>Sweden</b>
<b>Any minority association / organization can receive public funding</b>	<b>Only minority organizations with branches in five regions can receive public funding</b>

#### *5.1.8 – Information and the media*

In both countries programs in minority languages are part of the national broadcast programming. However, whilst Slovenia developed a comprehensive system of State support for radio and TV in minority languages, the Swedish system is still quite deficient.

The Slovenian regime provides one radio and one TV channel for each national minority

and guarantees co - financing for print media (both newspapers and magazines) in their minority languages.

As a consequence, programmes in national minorities' languages are daily present in Slovenian radio and TV broadcasting and national minority have also the possibility to publish several newspapers / magazines.

In Sweden, broadcasting in minority languages is overall quite poor, in comparison with other fields where minorities enjoy considerable protection. Print media in minority languages are almost totally absent; whilst Sweden Finns publish several newspapers/ magazines, the Sami, Tornedalian and Roma have little room. The situation is slightly better as audiovisual media concerns. However, Finnish is the only minority language that is daily present in radio / TV landscape.

**Table n. 29: minority media in Slovenia and Sweden**

<b>Slovenia</b>	<b>Sweden</b>
<b>Comprehensive system of State support for radio and TV in minority languages</b>	<b>Partial system of State support for radio and TV in minority languages</b>
<b>Co - financing for print media</b>	<b>Lack of financing for print media</b>

#### *5.1.9 – Cross border contacts*

Both Slovenia and Sweden recognise the right to their citizens to freely establish cross - border contacts. Slovenia even co - finances such activities with State budget.

However, cross - border cooperation is the field of minority protection which is less bound to central regulation, and even though State plays an important role in fostering or facilitating such activity, contiguous cooperation largely depends on the minorities' efforts and interests.

Cross - border cooperation is influenced by so many factors that State legislation can only contribute to encourage transfrontier co-operation in order to ensure the protection of persons belonging to the national minorities concerned by concluding bilateral or multilateral agreements with other States. Nevertheless, regional and sub - regional municipal efforts are

essential in activating such process.

In Sweden, transborder cooperation stems from informal cooperation between municipal authorities. The most excellent example is constituted by transborder cooperation on minority issues including transborder projects on Finnish language education between Haparanda and Tornio.

By contrast, Slovenia is bound to several agreements on cross - border cooperation with neighbours including protection of respective national minorities.

**Table n. 30: framework of cross- border contacts in Slovenia and Sweden**

<b>Slovenia</b>	<b>Sweden</b>
<b>Preference for State agreements on cross-border cooperation of local and regional authorities</b>	<b>Preference for agreements between municipalities</b>

#### *5.1.10 – Provisional conclusions*

Both countries definitely differ in their interpretation of minority rights however the reasons for their interpretation seem to go along similar lines, i.e. that being of bringing it into line with their existing legal provisions, as opposed to bringing their existing legal provisions in line with the Convention.

Through the following tables we will try to compare the level of protection for every minority within the two countries, giving an evaluation (poor; fair; good; very good; excellent) for each single field.

**Table n. 31: evaluation of minority protection in Slovenia**

<b>Slovenia</b>						
		<b>Poor</b>	<b>Fair</b>	<b>Good</b>	<b>Very good</b>	<b>Excellent</b>
<b>1</b>	<b>Education</b>					
	Italians	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>
	Hungarians	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>
	Roma	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>2</b>	<b>Use of language</b>					
	Italians	0	0	0	4	0
	Hungarians	0	0	0	4	0
	Roma	1	0	0	0	0
<b>3</b>	<b>Political participation</b>					
	Italians	0	0	0	0	5
	Hungarians	0	0	0	0	5
	Roma	0	2	0	0	0
<b>4</b>	<b>Information and the media</b>					
	Italians	0	0	0	0	5
	Hungarians	0	0	0	4	0
	Roma	0	2	0	0	0
<b>5</b>	<b>Cultural life</b>					
	Italians	0	0	0	0	5
	Hungarians	0	0	0	0	5
	Roma	0	0	3	0	0
<b>6</b>	<b>Cross – border Cooperation</b>					
	Italians	0	0	0	4	0
	Hungarians	0	0	0	4	0
	Roma	0	2	0	0	0

**Table n. 32: evaluation of minority protection in Sweden**

Sweden						
		Poor	Fair	Good	Very good	Excellent
<b>1</b>	<b>Education</b>					
	Sami	0	0	0	4	0
	Finns	0	0	0	4	0
	Tornedalians	0	0	3	0	0
	Roma	0	2	0	0	0
	Jews	1	0	0	0	0
<b>2</b>	<b>Use of language</b>					
	Sami	0	0	0	4	0
	Finns	0	0	0	4	0
	Tornedalians	0	0	0	4	0
	Roma	1	0	0	0	0
	Jews	1	0	0	0	0



<b>3</b>	<b>Political participation</b>					
	Sami	0	2	0	0	0
	Finns	0	2	0	0	0
	Tornedalians	0	2	0	0	0
	Roma	1	0	0	0	0
	Jews	1	0	0	0	0
<b>4</b>	<b>Information and the media</b>					
	Sami	0	0	0	4	0
	Finns	0	0	0	0	5
	Tornedalians	0	0	3	0	0
	Roma	0	2	0	0	0
	Jews	1	0	0	0	0
<b>5</b>	<b>Cultural life</b>					
	Sami	0	0	0	0	5
	Finns	0	0	0	0	5
	Tornedalians	0	0	0	0	5
	Roma	0	2	0	0	0
	Jews	0	2	0	0	0
<b>6</b>	<b>Cross – border Cooperation</b>					
	Sami	0	0	0	4	0
	Finns	0	0	0	0	5
	Tornedalians	0	0	0	0	5
	Roma	0	2	0	0	0
	Jews	0	2	0	0	0

The following table presents the average of estimated protection in the different fields, (again considering 1= poor and 5= excellent) as resulting from the theoretical analysis we have conducted so far according to the existing literature, legislation and official reports.

**Table n. 33: estimated level of protection in the different fields**

	<b>Slovenia</b>	<b>Sweden</b>
<b>Education</b>	3.6	2.8
<b>Use of languages</b>	3	2.8
<b>Political participation</b>	4	1.6
<b>Information and the media</b>	3.6	3
<b>Cultural life</b>	4.3	3.8
<b>Cross – border cooperation</b>	3.3	3.6

*Source:* table compiled by the author with the help of minorities' experts and minorities' representatives

The given scores may not be considered as particularly high for two countries who are deemed to have well developed protection regimes; nevertheless most of E.U. countries totally lack of legal basis for education in minority languages, for a system of minority media broadcasting on regular basis and for tools of integration of minorities in the political process.

Moreover, scores become significantly lower when we include the Roma minority, which has a special status in both countries but cannot be substantially compared to the other national minorities in terms of minority rights. In Sweden it is *de jure* included among the national minorities but is not *de facto* equalled; in Slovenia it enjoys an 'intermediate' status.

Considering all this, minority protection in Slovenia and Sweden can be overall considered rather good, in some fields actually exemplary. However, in both countries there is an evident **discrepancy** between the protection of **national minorities as such** and **minorities considered as national** but having transnational nature. It is not possible to speak about discrimination, as they are in fact included in the system, though a subtle boundary divide them from the other national minorities preventing them from having access to a full protection system.

## **CHAPTER VI**

### **CASE- STUDIES AND SURVEY**

#### **6.1 - Aim of the empirical research**

In the second part of the present work, the implementation of minority policies and legislation in Slovenia and Sweden has been analysed, and strong and weak points have been underlined.

In this last part, the aim is to find out, through the submission of a questionnaire, whether there is a discrepancy between the protection of ethnic minorities as enacted and framed in the government policies and in the legal system, and the perception of the members of the minorities themselves.

At first, we had thought to take into consideration all protected minorities, that means three minorities in Slovenia and five minorities in Sweden. Though, the target has soon revealed too ambitious due to the very low response rate on behalf of certain minorities and to the more or less explicit refusal to collaborate on behalf of initial subjects, in spite of the references, the guarantee of anonymity and the presentation of questionnaires in minority language.

In other cases, some subjects have shown sceptical due to the individual nature of the research. In a few other ones, they were covertly suspicious about the aims of such questionnaire. A little percentage stated either to be too busy to follow such project or, in spite of being minority representatives, to see their role first and foremost in a governmental or scholarly context and that their direct or indirect involvement in the project may be accordingly prejudicial or inappropriate. Lastly, some ones stated to be new in their role in order to be able to give some help.

For these reasons, the survey has been later restricted to two minorities per country: one transnational minority, which is regarded as autochthonous minority in both countries, i.e. the Roma, and two border minorities which have in common the characteristic of being territorially concentrated: the Hungarians in Slovenia and the Tornedalen Finns in Sweden.

The steps followed to design the questionnaire included:

1. the definition of the objectives of the survey;

2. the determination of the sampling group;
3. writing the questionnaire;
4. the administration of the questionnaire;
5. the interpretation of the results.

The questionnaire has been chosen as evaluation tool first of all because it is easy to administer confidentially: in the case of minorities, confidentiality is particularly necessary to ensure that participants will respond honestly if at all.

Other reasons that made opt for a structured questionnaire were essentially three.

- The limited resources in terms of money and time. If a questionnaire is self-administering, such as a e-mail questionnaire, potentially several people could respond in a few days.
- The need to administer the answers confidentially.
- The need to corroborate the theoretical findings previously presented through legal / political analysis.

Making the questionnaires anonymous and as private as possible also appeared to be the best means to prevent prestige bias as much as possible. The risk of this phenomenon is always there, but it is more frequent in the case of studying groups like minorities which are traditionally and usually (even if not always) reluctant to give honest answers and to put a better light on government's policies due to the fear that the questionnaire is government tool and that they can be somehow detected. This is particularly true in the case of minorities that have been persecuted and kept at the margins of the society, such as Roma.

## **6.2 – Sampling methodology**

In this study, we are not going to extract a sample, in statistical way, stemming from a known population of reference.

In the case of Sweden, in fact, it would not be possible to identify clearly a population of reference since no statistics regarding ethnic affiliation are available and it is by no means possible to get reliable data on the size and numbers of national minorities.

This difficulty is mentioned in the scientific literature dedicated to the methodology for social research. In such case, the survey can be carried out only through non – probabilistic

methods.

National minorities in Sweden can be methodologically defined as hidden populations.

A population is hidden when:

- the size and boundaries are unknown;
- there exist strong privacy concerns because membership may involve social stigmatization leading individuals to refuse to cooperate;
- moreover, hidden populations are generally also rare.

Accessing such populations is difficult because standard probability sampling is not applicable or it provides low response rates. The most common procedure for sampling these populations are the chain - referral methods, the best known of which is the snowball sampling (Goodman<sup>47</sup>). In this kind of sampling, a randomly chosen sample serves as initial contacts; these subjects then provide a number of other individuals who fulfil general research criteria. Two disadvantages have to be mentioned:

- first of all, the ease of access always determine the initial sample;
- secondly, such method introduces some biases into their samples.

For this reasons, initial subjects have to be chosen very carefully. Subjects indentified for the research indicate the researcher other subjects to interview, matching the required criteria. In the present research, the first and most committing step was to write down an exhaustive list of subjects to indague; for this purpose, the author has used as sources of information the indications of experts in the field, professors, researchers, representants of national minorities at the institutional level, etc..., some times visiting them personally throughout Slovenia and Sweden in order establish a more personal contact and trust.

Initial subjects have been found through the following means:

- personal contacts and networks;
- retrieval of minorities' representatives through minorities's associations webpages found through search engines;
- contacts with experts in the field.

---

<sup>47</sup> See L.A. Goodman, "Snowball sampling", *Annals of Mathematical Statistics* 32 (1): 148–170, 1961.

The network of initial contacts is composed of: minorities' representatives, scholars and researchers belonging to national minorities or dealing with minority issues and public officers.

These persons have been contacted by e-mail or by phone and when possible a meeting has been arranged in order to explain the author's project. They have been asked to cooperate for the part regarding their minority: each subject who agreed was asked to informally compile the questionnaire and to provide a number – from three up to five - of additional contacts. This way, the network has been extended outside the “elitarian” world of experts and minority associations/organizations members, including in the research also “ordinary” people.

The snowball sampling has in this case the advantage to reveal the network that exists within the minority itself. For this reason it has appeared to be particularly suitable in order to contact minorities that are difficult to reach or traditionally reluctant to be interviewed, like the Roma.

Even though Slovenia disposes of statistics regarding ethnic affiliation, we have thought to use the same methods in both countries in order to ease the access to such populations and to ease the comparison aswell.

We have tried to diversify initial contacts as much as possible, in order to include – in spite of the limited number of cases and the non- statistical method – opinions from all subgroups that may exist within a certain minority. Among Roma, for example, there may exist very different views with respect to some issues. Although it was not possible to reach all subgroups, most of them have been taken into account, i.e. addressing to minority associations counting members from different origins and to representatives from different Roma background.

Moreover, even though the snowball method does not imply a real control on the characteristics of the population, we have also tried to include in the research persons from as much as possible different ages, education levels and settlements in order to get a more complete picture.

### **6.3 – Presentation of the questionnaire**

The questionnaire developed in order to carry out the survey, takes its fundamentals in the theoretical contents of chapters 3 and 4 of the present work. It is composed of 24 questions which can be divided into two groups:

- a) Background questions (sex, age, degree of education, knowledge of languages)
- b) Questions aiming at revealing the perception of the member of minorities regarding their protection.

The questionnaire, which can be consulted in Appendix 4 both in English and minority languages version, aims to investigate opinions about the following topics:

- perceived protection in the field of use of language
- perceived protection in the field of education
- perceived protection in the field of political participation and representation
- perceived protection in the field of cultural life
- perceived protection in the field of media and information
- perceived protection in the field of cross – border cooperation with the mother state (or with the communities in other states in the case of minorities without a state)
- overall perceived protection
- perceived position of the minority in comparison to the majority
- perceived inequality of rights in comparison to the majority and the other minorities.

We have opted for a questionnaire as highly structured as possible, containing only one open question. This way, the compilation does not constitute, in terms of time and effort, an excessive commitment for the members of the community who kindly accepted to answer to it. The survey is in fact based on the availability of people who agree to complete the questionnaire by granting part of their time without any kind of benefit.

Closed format questions usually take the form of a multiple-choice question. Such format appeared to offer many advantages in terms of time and money. First of all, they are easier for the respondent. Secondly, by restricting the answer set, it is easy to calculate percentages and other data over each group of participants. Moreover, the variables which are meant to be investigated are mainly of ordinal and nominal type, and therefore particularly suitable to be translated into structured questions. Finally, the use of structured questions allows a more effective and quicker count of the answers, and especially to compare data more easily. Finally, closed format questions allow the researcher to filter out useless or extreme answers that might occur in an open format question.

We have introduced sufficient choices to fully cover the range of answers, but not so

many that the distinction between them becomes blurred. This consideration translated into an average of five possible answers per questions.

In order to make it easier for people to answer, we have opted for:

- clear, succinct and unambiguous questions;
- direct questions;
- avoidance of ethnic expression;
- limited number of answers' options.

The questionnaire is of course anonymous and its submission has been accompanied by a cover letter in which the author informed about:

- the general description of the work and its aims
- the use of collected data
- the sampling method
- the guarantee of anonymity

Before submitting the questionnaire, representatives of each minority have been asked about the language they would consider more appropriate. In Slovenia, questionnaires have been translated into Hungarian minority language. As far as Roma concerns, the presence of at least two very different dialects with many subdialects and the lack of standardization suggested that the best choice would be to submit the questionnaire in standard Slovene. Moreover, Romany Chib, the official language of Roma people, is not spoken by the majority of Slovenian Roma so this would cause a very low response rate.

Translating the documents into Romany Chib would be even more complicated in Sweden due the presence of 6 different groups speaking different dialects.

In Sweden, the questionnaire has been submitted in Swedish to Tornedalian Finns, under advice of some experts and minorities representatives. According to esteems, Tornedalian language is nowadays spoken by less than 50% of the Tornedalian population; and since they do not always like being associated with Finns, because of their ethnic peculiarities, we have opted to submit the questionnaire in Swedish language rather than in Finnish, since the great majority or almost the totality of Tornedalians have good command of it. The questionnaire has also been submitted in Swedish to the Roma people, due to the presence in the country of at least six different Roma groups and nine languages or dialects.

Due to the low response rate, the analysis will be limited to 50 cases per minority. In



spite of having contacted at least three initial subjects per each minority, in some cases we have not managed to get more than 20 or 30 answers back. In other cases, we have obtained about 60 questionnaires back, but since some of them were incomplete, we have chosen to limit the analysis to the above mentioned 50 cases, which will at least allow to make a few considerations on the perception of minority protection on behalf of the respective members.

The questionnaire has been delivered through three means: by hand, by email and by post and answers have been also collected through such means aswell. The questionnaires have been submitted between February and July 2011 and answers have been collected between June and November 2011. In all cases, it took several months before getting a minimum number of answers.

Different scales of measurement have been used. The following table will help illustrate the structure of the questionnaire.

**Table n. 34: number of closed and open questions used in the questionnaires**

<b>N. of closed questions</b>	<b>22</b>
<b>N. of open questions</b>	<b>2</b>

**Table n. 35: type of scaling used in the questionnaires**

<b>Type of scale</b>	<b>Question n. ____</b>
Categorical / Dichotomic	Question n.1 Question n.7 Question n.9 Question n.10
Categorical / Ordinal	Question n.3
Comparative	Question n.5 Question n.6
Semantic differential type	Question n.23
Self- anchoring scale	Question n.8 Question n.11

	Question n.12
	Question n.13
	Question n.14
	Question n.15
	Question n.16
	Question n.17
	Question n.18
	Question n.19
	Question n.20
	Question n.21
	Question n.22

#### 6.4 - Collection of results

As previously mentioned, it was by no mean an easy task to collect a sufficient number of questionnaires in order to be able to say something relevant. In the end, we have managed to collect at least 50 questionnaires per each minority which was chosen to be analysed. Surprisingly, the Roma both in Slovenia and Sweden show a high response rate and they were the first communities to provide the required 50 cases.

This can be due to two reasons: 1) the retrieval of the “right” initial contacts with access to a large network; 2) the willingness on the behalf of the community to make their voices heard either due either to a perception of being not considered or not suitably protected or to an increasing awareness of a minority consciousness and a desire to express their point of view regardless of the nature of their perception.

This result is even more significant if we consider that some questions may be for some Roma quite difficult to answer due to the general low education level (the average being between primary and lower secondary school degree) admist the community. We will try to get back to this issue and answer this tricky question when analysing the responses.

However, the Tornedalians in Sweden and the Hungarians in Slovenia have also shown rather collaborative, even though it took longer to collect their answers.

All questionnaires that have been received report answers to all questions and almost all of them have been compiled correctly. Therefore it has not been necessary to find patterns of management of uncertain questions.

Through the above mentioned snowball method we have manage to collect the following number of answers:

**Table n. 36: number of analysed cases**

<b>Slovenia</b>	
Roma	<b>50 cases</b>
Hungarians	<b>50 cases</b>

<b>Sweden</b>	
Roma	<b>50 cases</b>
Tornedalian Finns	<b>50 cases</b>

Once the questionnaires have been received, the author has collected and calculated the results through an Excel table. The data have been analysed in order to extract from them ‘commentable’ results.

In the following section, the results will be commented in order to evaluate more precisely the status of minority protection in both countries applied to two minorities. The aim is to evaluate:

- whether there is a correspondence between the system and the perception of people and
- the strong and weak points of the system in the wake of the peculiarities analysed in the previous chapter.

The results do not claim to be exhaustive due to the low number of cases analysed and to the use of a non statistical method: however, the field work offers some hints for further consideration about the goodness of the two systems, beyond laws and political declarations.

As a matter of fact, minority protection, as well as integration, passes first and foremost through the members’ perception rather than through the legal and political systems, even though they constitute the prerequisite.

The last section will be dedicated to the analysis of the questionnaires distributed in both countries and to a brief comparative evaluation. A real comparison between the results is

not possible due to the employment of a non statistical method; nevertheless some general considerations in comparative key, stemming from the most surprising results, are certainly allowed.

## 6.5 – Analysis of results

### 6.5.1 – *The Hungarian locally concentrated minority in Slovenia*

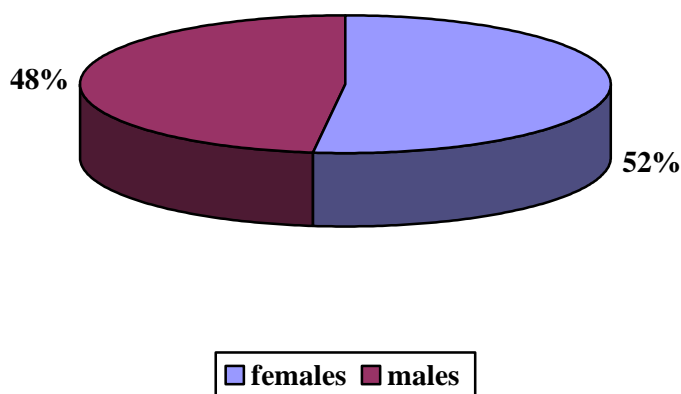
The Hungarian minority in Slovenia constitutes a relatively homogeneous group, concentrated to great extent in the Prekmurje region, with other minor settlements in other regions, especially in the major towns and the capital; however, these are often emigrated communities and not indigenous ones.

The Hungarian minority underwent massive assimilation during the 20<sup>th</sup> century, but is considered to be well protected in several fields.

The survey was conducted in the five municipalities of Prekmurje where Hungarians traditionally. 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.

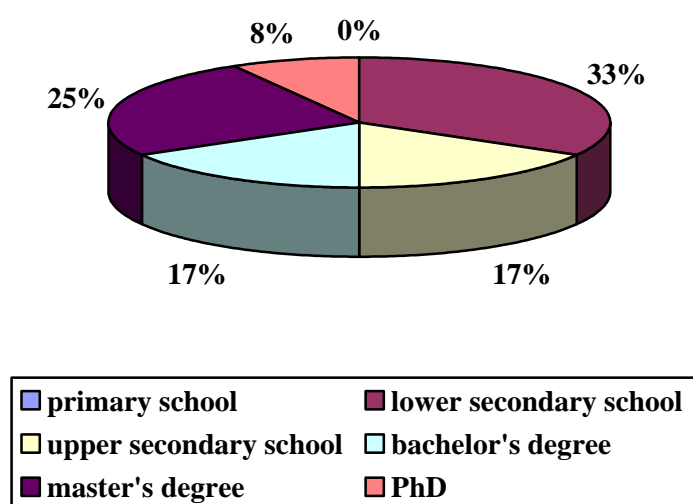
**Graph n.5: respondents of Hungarian community  
by gender**



**Table n. 37: age groups**

18 - 29	12 cases
30 - 39	14 cases
40- 49	12 cases
50 +	12 cases

**Graph n.6: respondents of Hungarian community  
by education level**



As we can see from the following graph, around 45% of respondents perceive to have equal rights within the society, whereas the rest of sample is almost equally divided between the feeling to have 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.

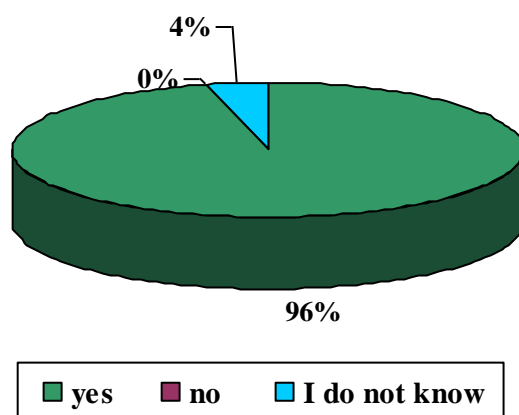
With respect to Roma, the majority of Hungarians perceives to have more rights, but the percentage of those who think to have equal rights does not differ much. It therefore emerges that Hungarians do not feel as much protected as they think Italians are and they also feel little distance with the Roma.

**Table n. 38 equality of rights in comparison with other national minorities (number of occurrences)**

<i>With respect to</i>	<b>Lesser rights</b>	<b>Equal rights</b>	<b>More rights</b>
<b>Italian minority</b>	12	36	2
<b>Roma minority</b>	9	19	22

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.

**Graph n.7: awareness of minority rights**



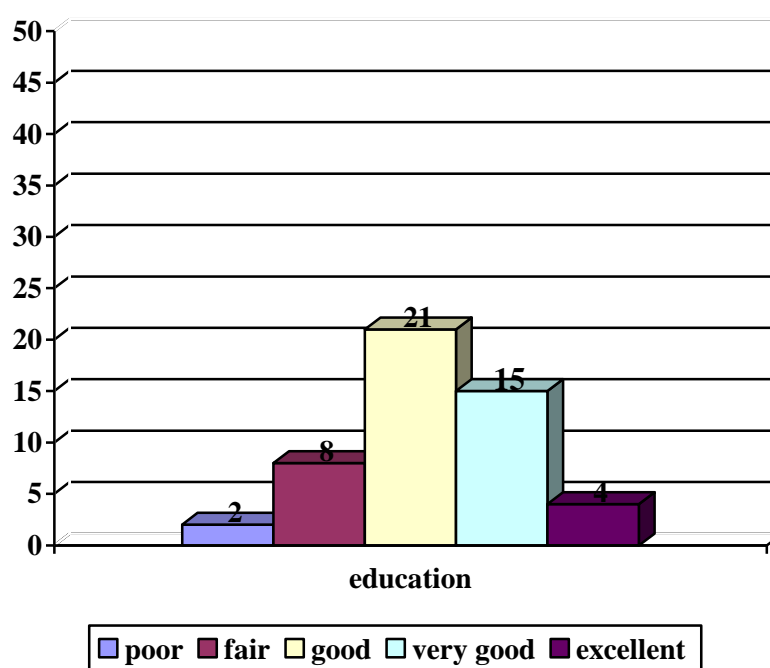
The following questions of the questionnaire represent the core of the work and pertain to specific perceived protection in different fields, which have already been considered at the theoretical level and are summarized as following: education, use of language, political

participation and representation, cultural life, information and the media, cross- border cooperation.

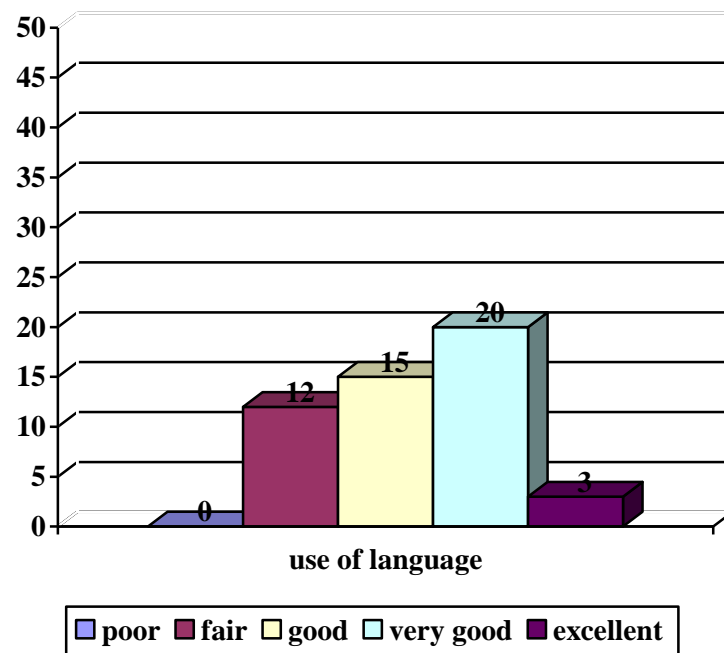
The most appreciated protection appears to be in the field of cultural life; it is deemed to be very good or excellent by approximately 85% of respondents. But also the fields of information and the media, secondly, and the field of cross – border cooperation, thirdly, are considered very well developed: the former is deemed very good or excellent by almost 80% of respondents and the latter by almost 60% of them.

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.

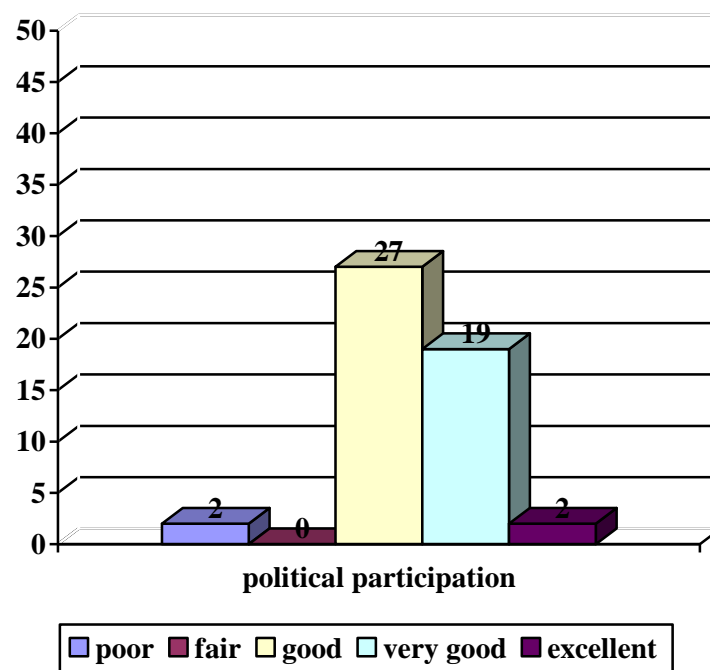
**Graph n. 8: perceived protection in the field ‘education’**



**Graph n. 9: use of minority language**

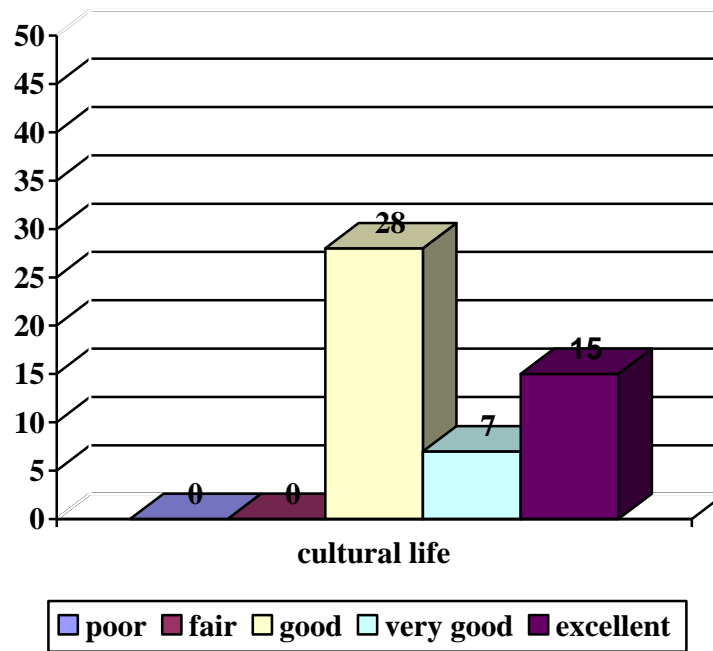


**Graph n. 10: perceived protection in the field 'political participation'**

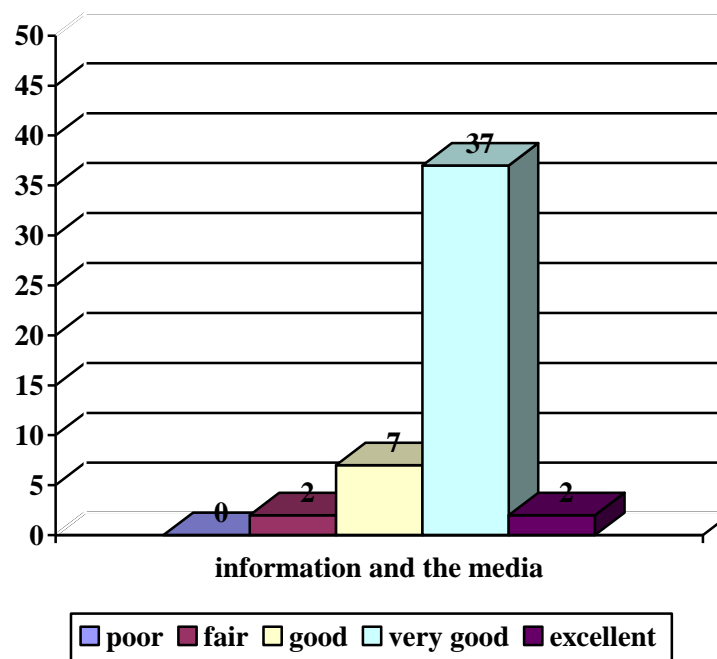




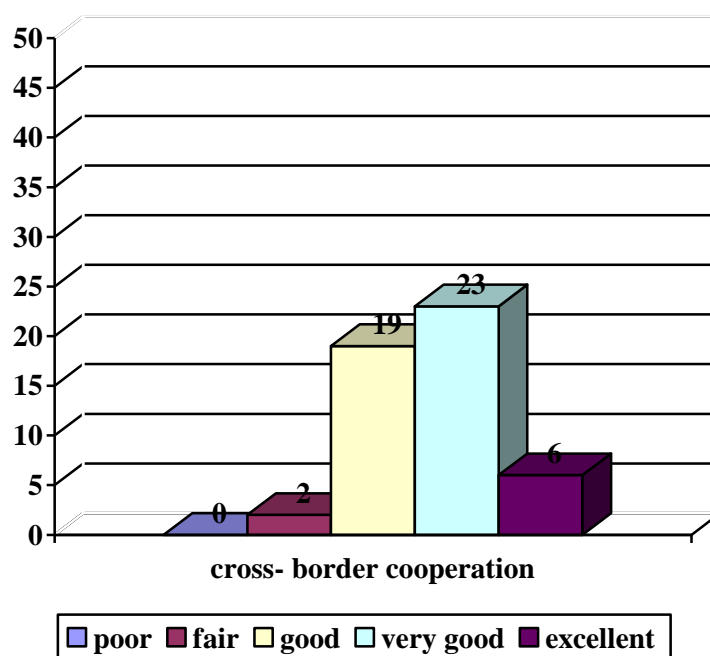
**Graph n. 11: perceived protection in the field ‘cultural life’**



**Graph n. 12: perceived protection in the field ‘information and the media’**



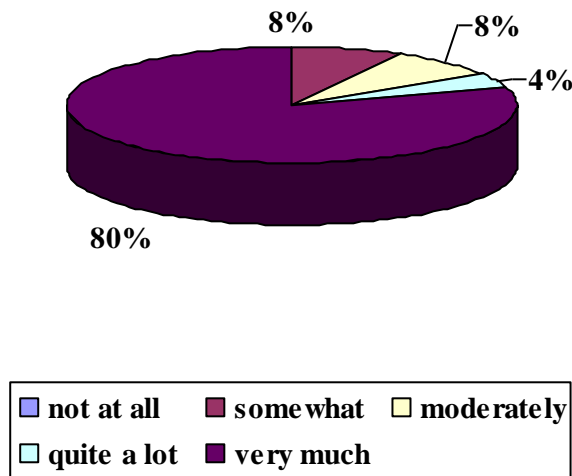
**Graph n. 13: perceived protection in the field ‘cross – border cooperation’**



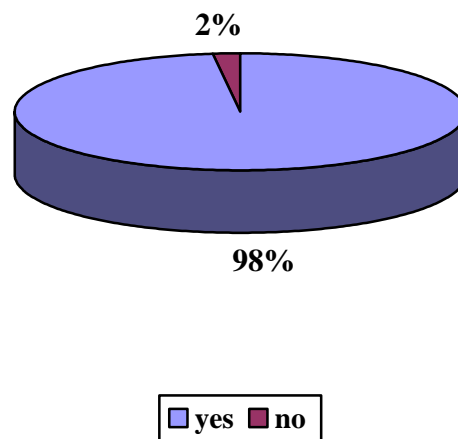
Over 90% of Hungarians state to have received bilingual education, and among them nearly 60% received it at school. The fact that a relative low percentage of respondents decided to enrol in a bilingual school confirms the high degree of assimilation which Hungarians underwent during the 20<sup>th</sup> 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 next datum: 98% of Hungarians state to have a good knowledge of standard Hungarian. Moreover, over 95% of respondents have good command of at least three languages.

**Graph n. 14: use of minority language in everyday life (private domains)**



**Graph n. 15: knowledge of Hungarian language**



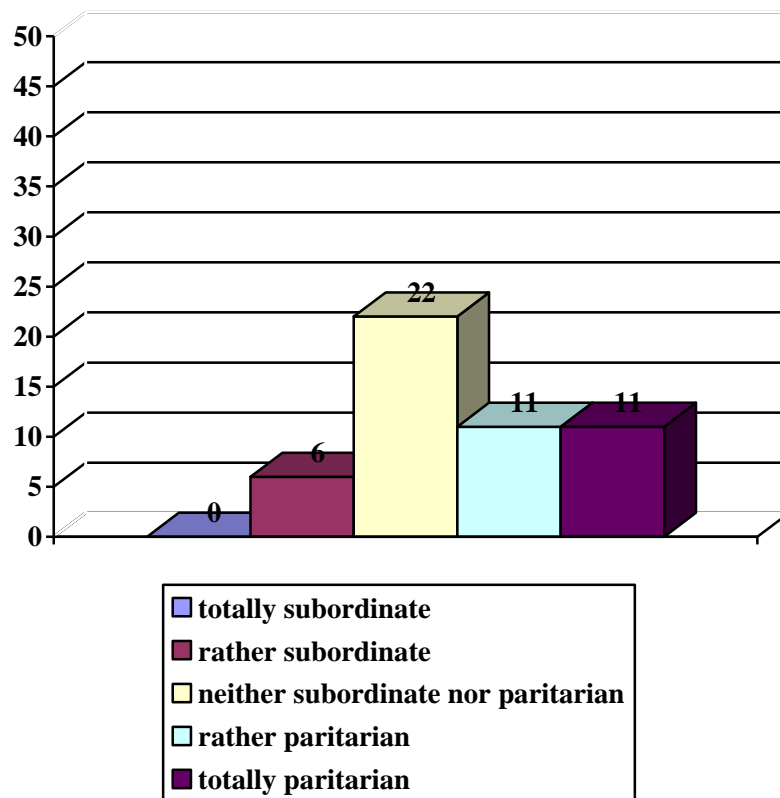
In spite of this, the free use of the minority language in the contacts with public administration should not be taken for granted: around 80% feels free to use it virtually without restrictions 80%, whilst some 20% ‘denounces’ several limitations in its use.

In order to evaluate the perceived position of the minority within the majority society on behalf of members, we have used a semantical 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.

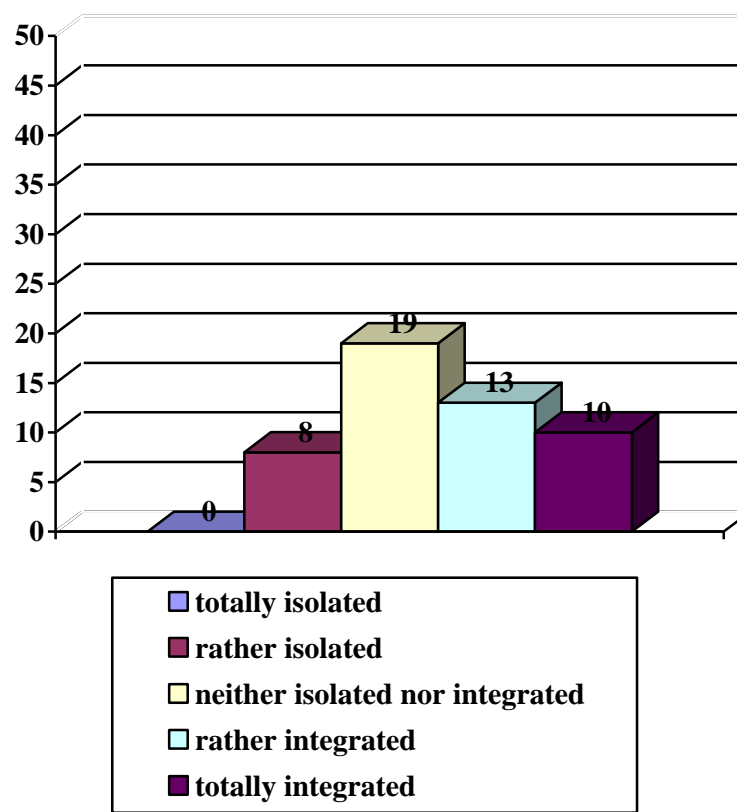
Hungarians seem to not feel a huge social gap with the majority society: 45% of them regard their status as paritarian to the majority and nobody perceives to have a subordinate status.

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. 16: parity – subordination**



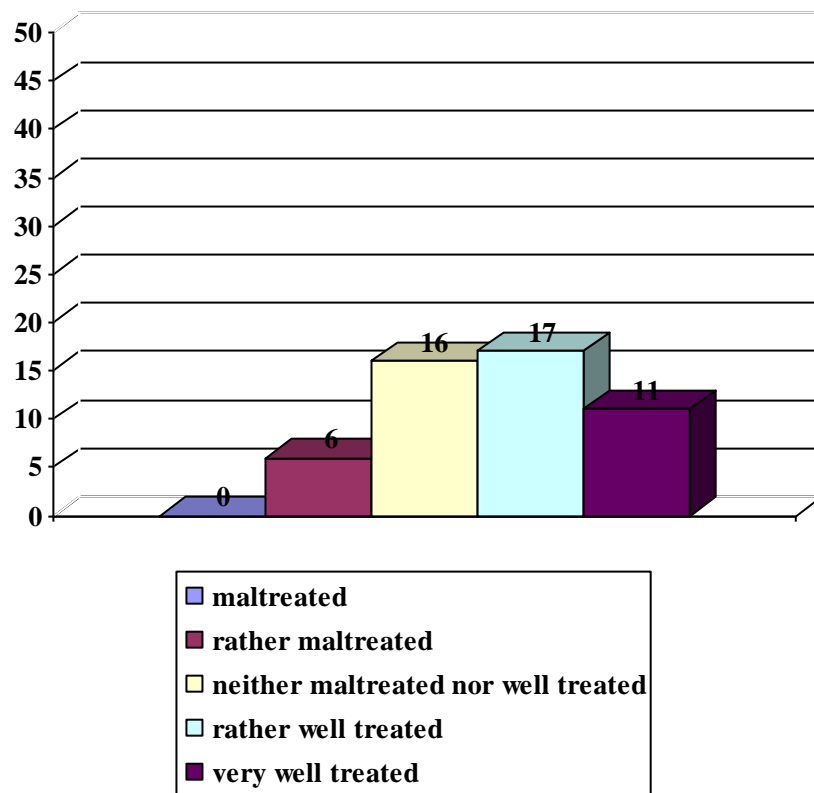
**Graph n. 17: integration - isolation**



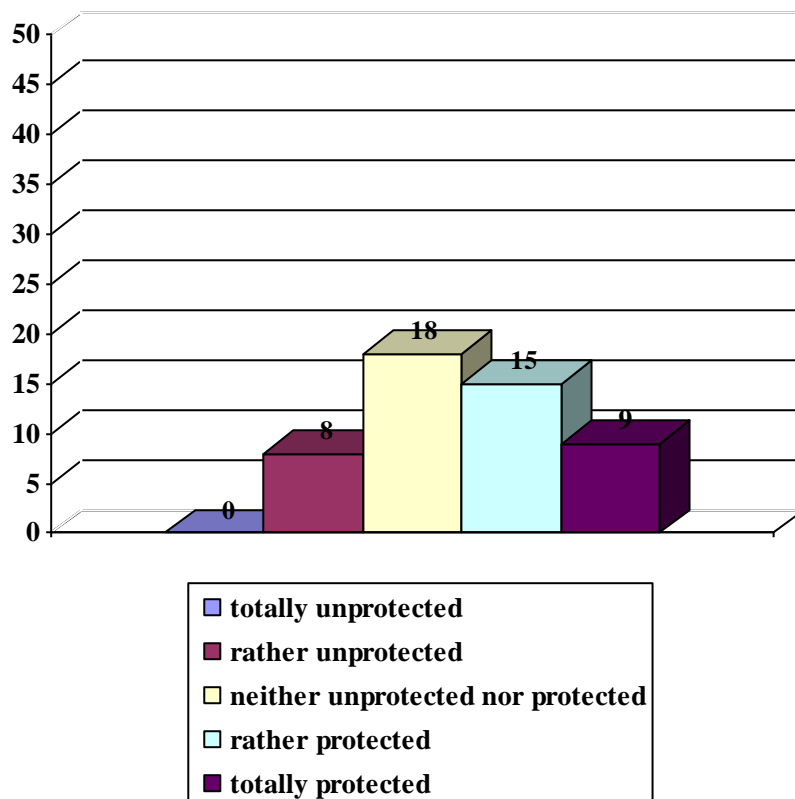
Passing to the following couple, over 55% of people consider to be quite well or very well treated, in terms of minority protection in general. Also in this case, nobody considers that his/her minority is maltreated and only a relatively small percentage (around 12%) esteems to be not very well treated.

If we take into consideration protection itself, the majority of respondents prefers to give an intermediate evaluation, but another 50% considers minority protection as very good (30%) or excellent (18%). Only 16% of respondents feel that the Hungarian minority in Slovenia is little protected.

**Graph n. 18: good treatment – maltreatment**



**Graph n. 19: protection – non protection**



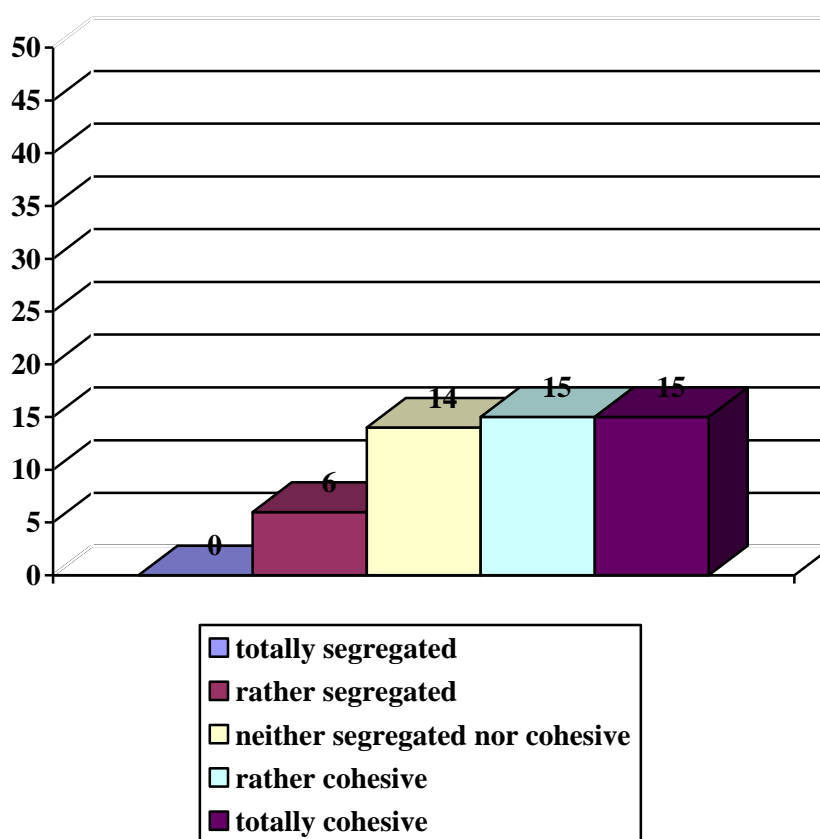
With the last question we wanted to investigate not so much the feeling of integration but rather the feeling of cohesion with the majority society. If the feeling of integration is generally based on an evaluation of several indicators which depend to great extent on governmental policies, the feeling 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.

Taking into an 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).

In the case of Hungarians we have found no gap 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; the relationship with the majority also appears to be rather good. The Hungarians seem therefore to be an example of a well integrated national minority on the territory.

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 emerges for example from results concerning bilingual education at school. This problem had been already noticed in the analysis concerning the theoretical level. Other issues underlined by respondents are some deficiencies in the possibility to use the minority language with public officers and the lack of job (which is anyway common to all minorities).

Graph n. 20: cohesion - segregation



To summarize, the most salient results that emerged from the present survey are essentially four.

1) **Hungarians feel overall well protected by the Slovene system of minority protection:** three over five define it as very good or excellent.

2) In spite of this, the analysis reveals that the majority of them perceive to be granted **fewer rights than Italians** are.

3) 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.



4) Results show that the majority of Hungarians feel **paritarian** with the majority society, **integrated** in the majority society **and cohesive** with the majority society.

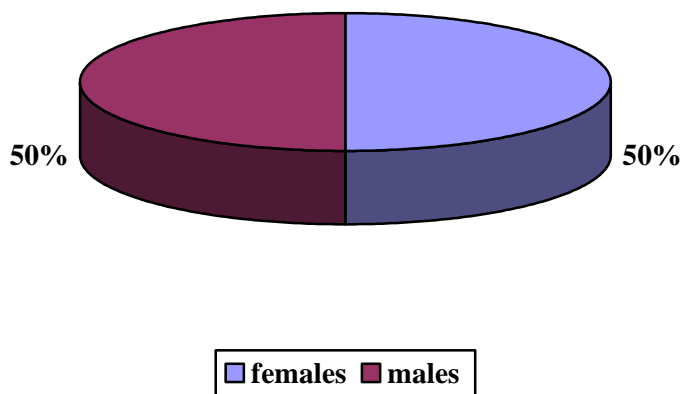
#### *6.5.2 – The Romany transnational minority in Slovenia*

The Romany minority in Slovenia constitutes a relatively heterogeneous group, concentrated mostly in the Prekmurje region, with other minor settlements in the Dolenjska region and others. Non autochthonous Roma are present all over the country, especially in the major towns, but we decided to stick to the analysis of the indigenous group.

The survey was conducted in the Roma settlements of Prekmurje (settlement of Murska Sobota, Vanca Vas, Borcjeci, Pusca), as the people contacted in the Dolenjska region were not willing to collaborate. The survey has been conducted with the kind help of Ms. Friedreich, representative of the Roma Cultural Centre of Murska Sobota, who explained the content of the questions in Romany language to people with poor education or with scarce knowledge of standard Slovene.

Respondents are constituted 50% by women and 50% by men, most of whom have primary or lower secondary school degree, covering all age groups.

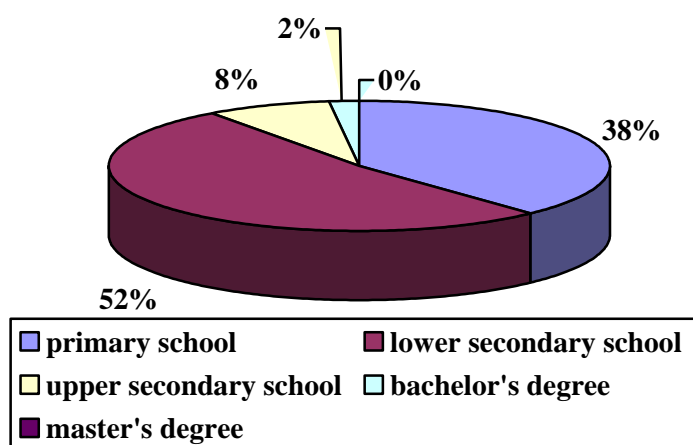
**Graph n.21: respondents of Romany community  
by gender**



**Table n. 39: respondents by age groups**

18 -29	17 cases
30 -39	12 cases
40-49	10 cases
50+	11 cases

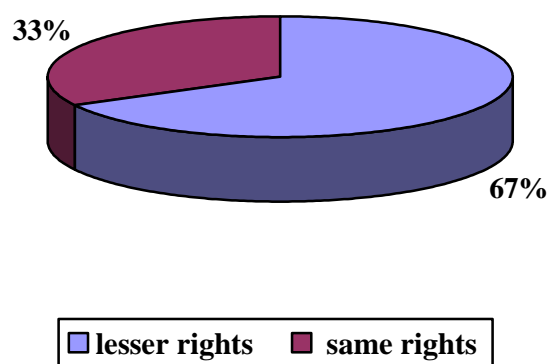
**Graph n.22: respondents of Romany community  
by education level**



As we can see from the following graph, almost 70% of respondents perceive to have fewer rights within the society.

Regarding the comparison with other national minorities, the vast majority perceives to enjoy less minority rights than both the Hungarians and the Italians, without any difference among these two.

**Graph n.23: substantial equality of rights**

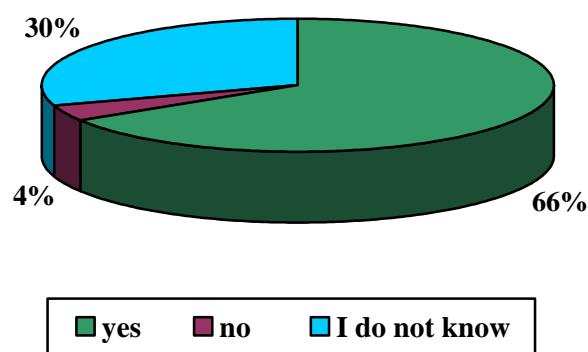


**Table n. 40: equality of rights in comparison with other national minorities (number of occurrences)**

<i>With respect to</i>	Lesser rights	Equal rights	More rights
<b>Hungarian minority</b>	37	13	-
<b>Italian minority</b>	36	14	-

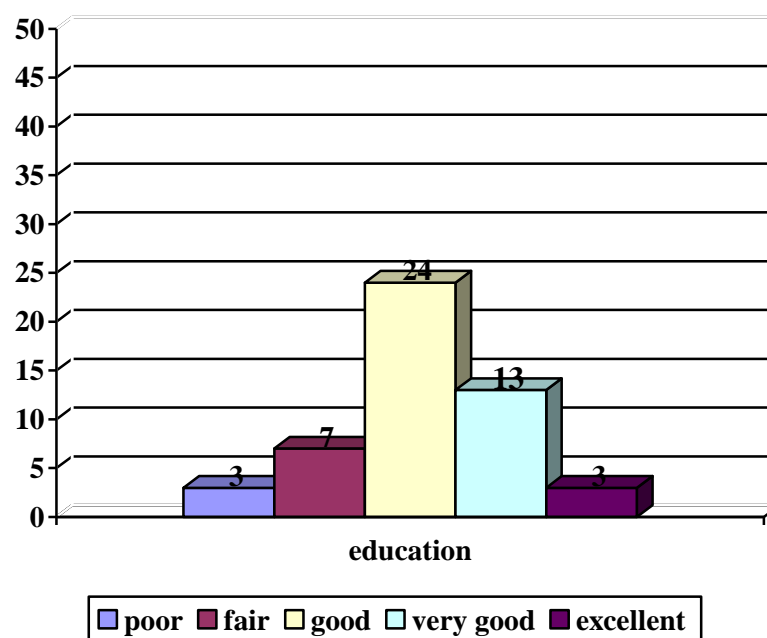
The majority of Slovenian Roma is well aware of the special rights they enjoy as a national minority, even though a substantial percentage (30%) does not know about their existence.

**Graph n.24: awareness of minority rights**

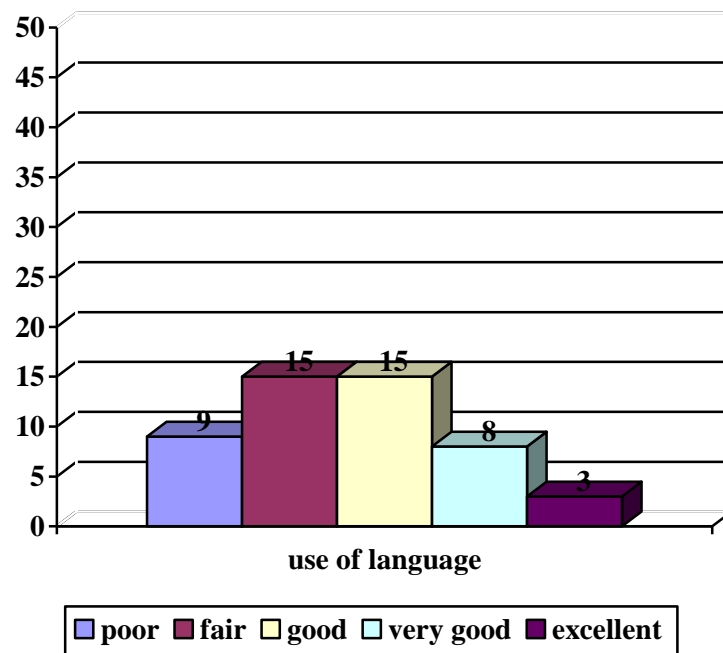


Regarding minority protection field by field, several differences can be noticed from one field to another. Overall, it is deemed at least as sufficient in most of sectors. In particular, the fields of education and cultural life are deemed to be very good or excellent by 32% and 38%, respectively, of respondents. By contrast, the field ‘information and the media and ‘use of language’ is considered the most problematic one, with half of respondents judging it as ‘poor’ or ‘fair’.

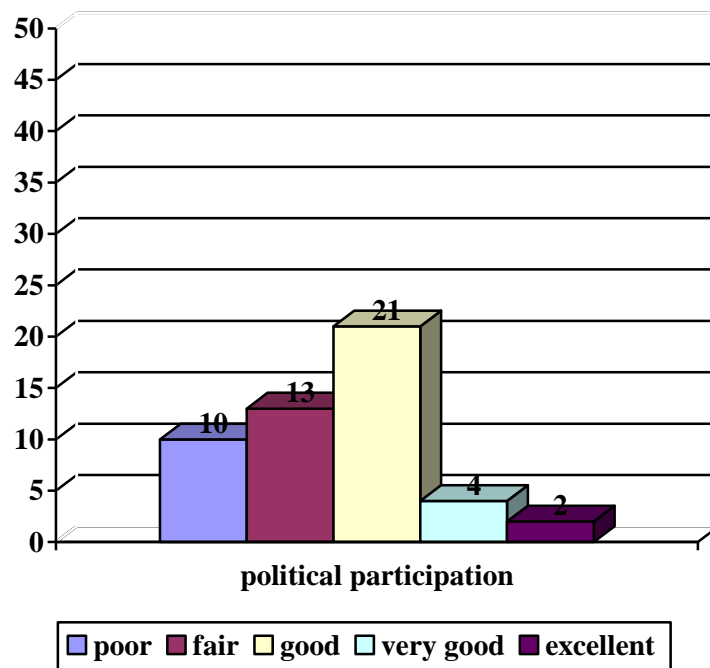
**Graph n. 25: perceived protection in the field ‘education’**



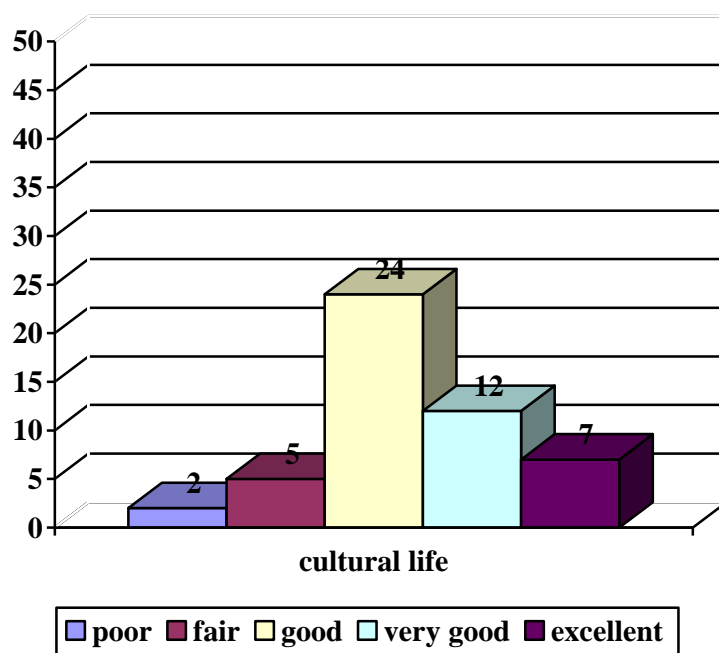
**Graph n. 26: use of minority language**



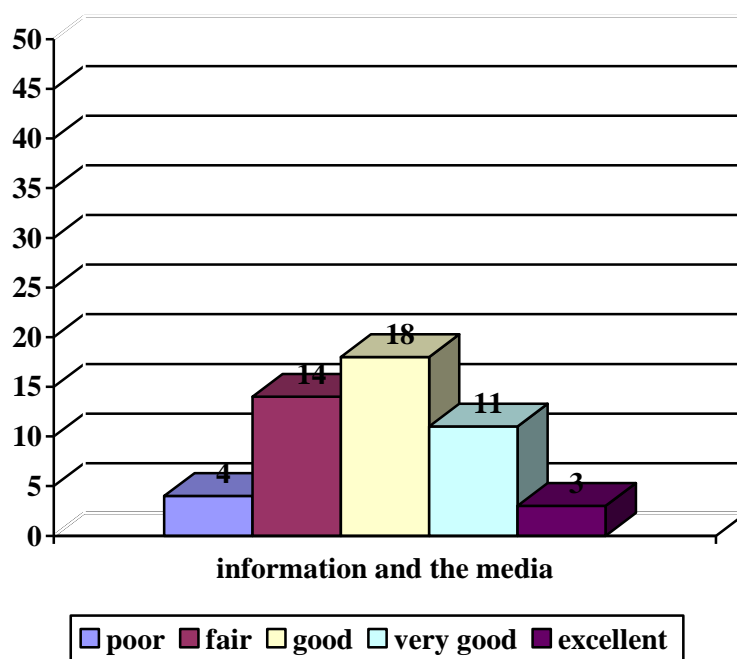
**Graph n. 27: perceived protection in the field 'political participation'**



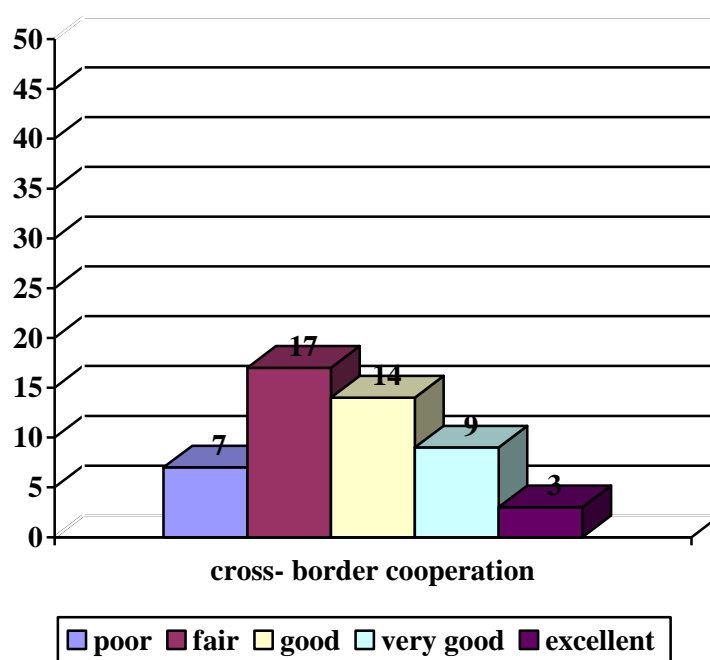
**Graph n. 28: perceived protection in the field ‘cultural life’**



**Graph n. 29: perceived protection in the field ‘information and the media’**



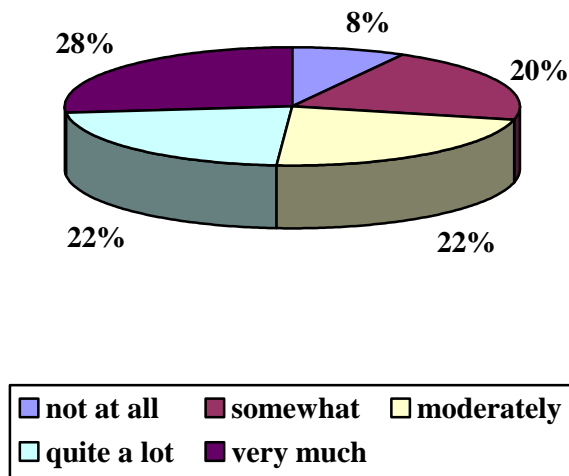
**Graph n. 30: perceived protection in the field ‘cross – border cooperation’**



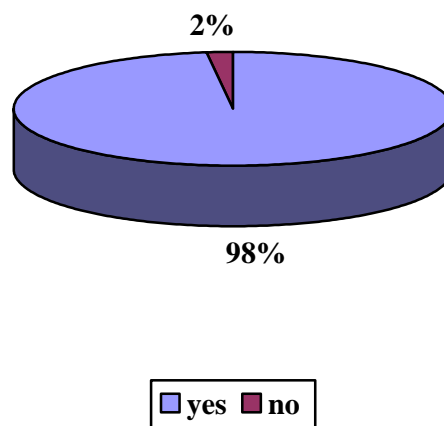
Only 10% of respondents maintain to have received bilingual education, and among them only two persons received it at school. This is not surprising as Slovene Roma do not enjoy, as Italians and Hungarians do, the possibility to request education in mother tongue. However, some experiments of teaching the Romany language have been carried out in some primary schools with high attendance of Romany children; these experiments are started on an informal basis, for example after normal schools hours and never by substituting them.

On average, respondents state to make large use of their minority language in private domains (half of respondents answered to use it ‘quite a lot’ or ‘very much’). The Romany language is thus quite alive: almost the totality of interviewed people state to have knowledge of at least one variant of it. Nevertheless, it has to be also mentioned that most of them do not perceive to speak a language but a dialect (Prekmurian, in this case); it is possible to assert that the regional component of being Roma is predominant.

**Graph n. 31: use of minority language in everyday life (private domains)**



**Graph n. 32: knowledge of Romany language**



Although the average education level is rather low, more than 50% of interviewed Roma people have good command of at least 3 languages.

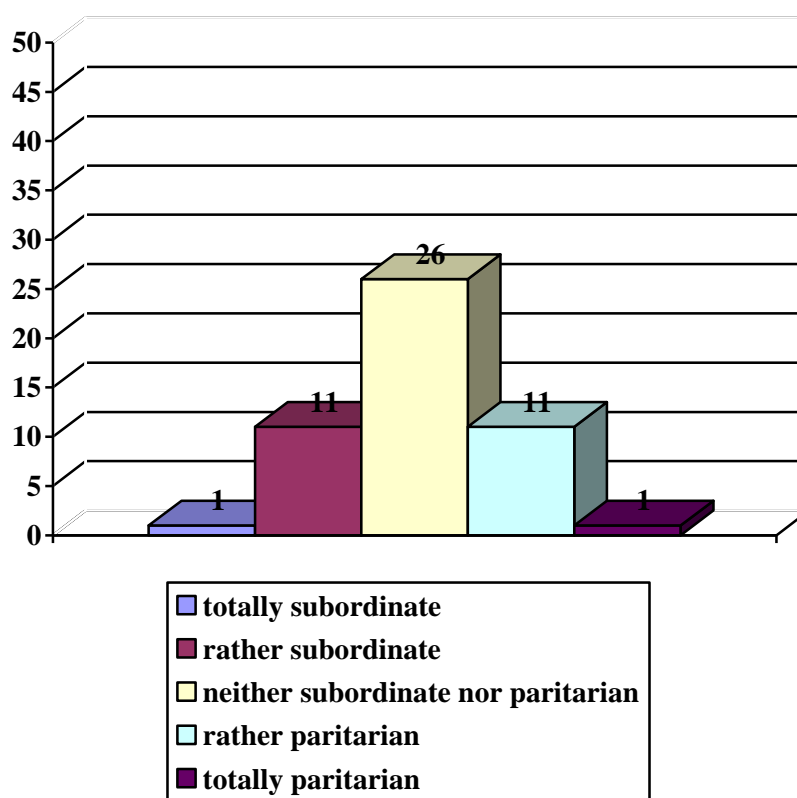


As concerns the contacts with the public administration, 80% of respondents deem not to be free to use the Romany language. As a matter of fact, Roma currently do not have the right to use their language for official purposes and before administrative bodies or courts and they have to use Slovene, which is understood and spoken by approximately 80% of respondents.

The political field is also a problematic one: more than half of contacted Roma does not feel represented at all. The recent law which provides one seat in twenty municipal councils has been implemented in most of municipalities, though the general feeling amongst Roma is still to be largely kept out of public life.

Overall, about 65% of respondents do not feel protected at all or little protected by the Slovene State.

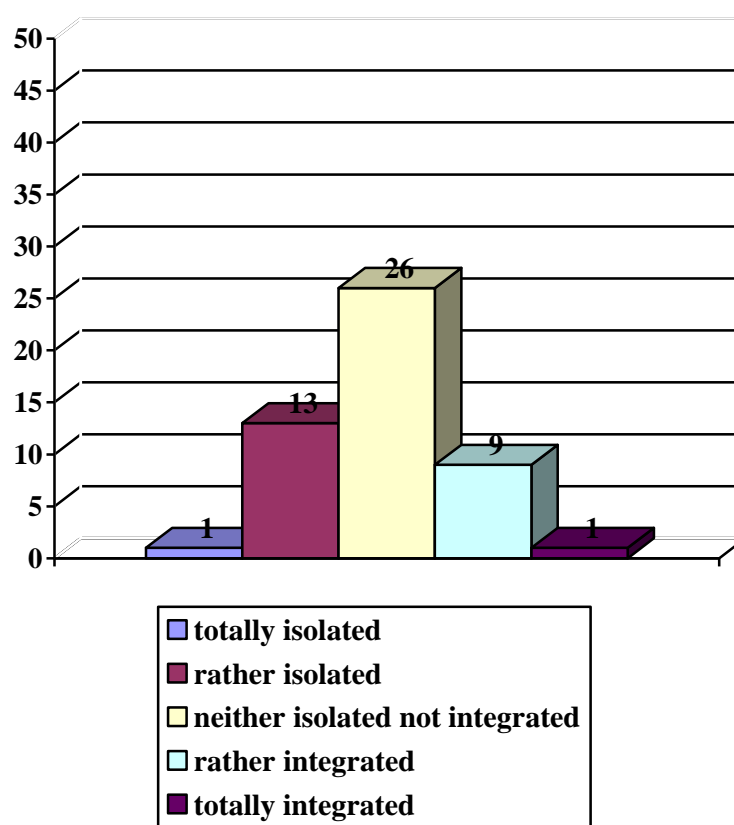
**Graph n. 33: parity – subordination**



Roma appear divided on their opinions about their status. They feel neither paritarian nor subordinate to the majority society; as a matter of fact the vast majority opted for an intermediate answer, which anyhow shows that feelings of inferiority are not so wide spread.

Things are similar as far as the couple integration – isolation regards. Interviewed people hardly choose extreme positions on a scale from 1 to 5; rather, they again privilege an intermediate answer (more than 50% feel ‘somewhat’ integrated).

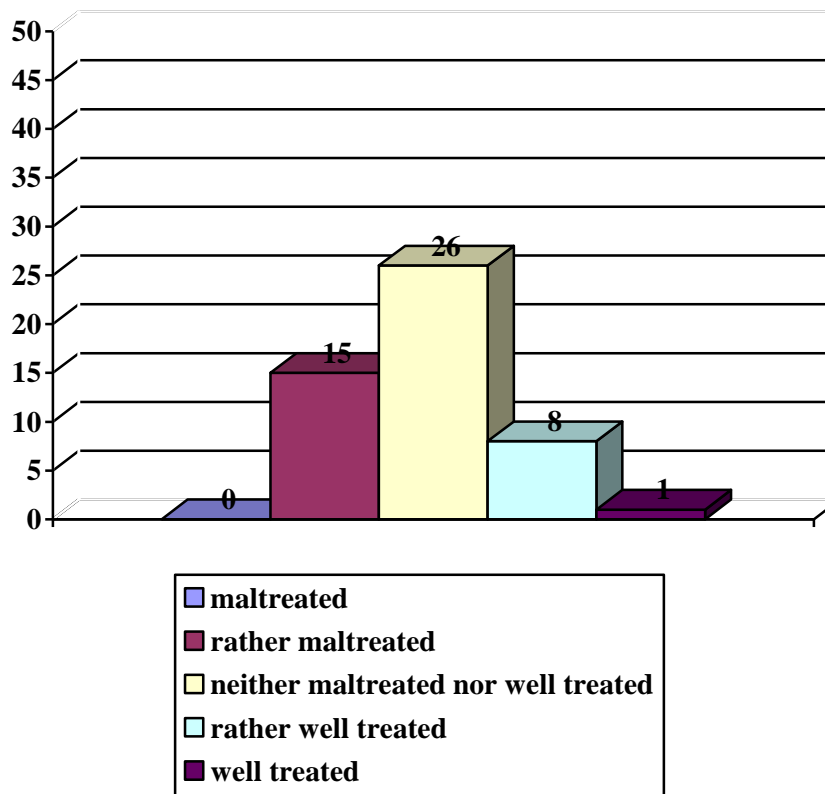
**Graph n. 34: integration - isolation**



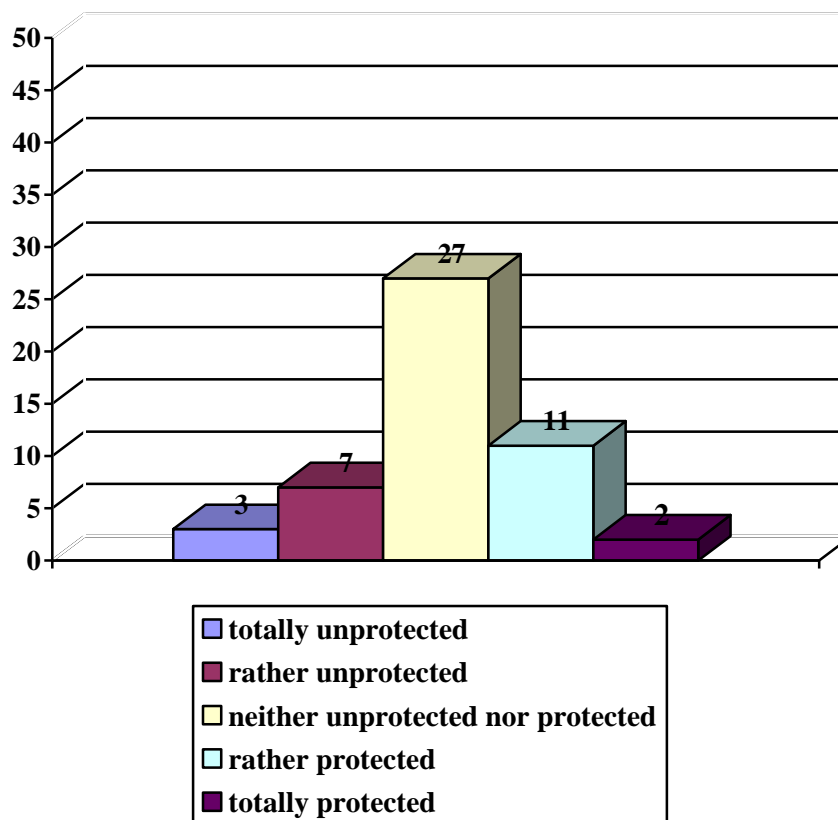
As regards the couple good treatment – maltreatment, an intermediate feeling prevails, 52% of respondents deemed to be fairly treated, but another 30% considered to be not very well treated, whereas only 18% feels well or very well treated.

If we take into consideration protection itself, only one fifth of respondents expressed a negative judgement, and among them only some 6% feels to be not protected by the State as a member of the Roma minority.

**Graph n. 35: good treatment – maltreatment**



**Graph n. 36: protection – non protection**

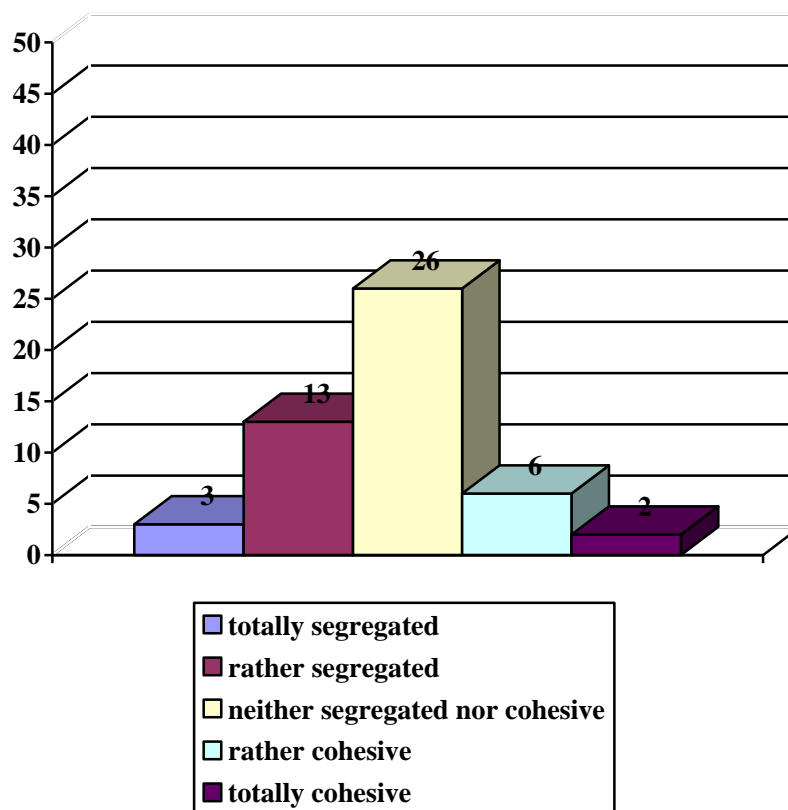


If we take into an account the last dichotomy, however, the relatively positive scenario emerged until now fades, as we can notice that only a little part of respondents, about 15%, feel to be cohesive with the majority society, whilst another 32% expresses – more or less strongly- feelings of segregation.

The relationship with the majority appears thus ambiguously characterised: if the majority of respondents feel overall protected by the legal system, this does not imply that they socially feel integrated and cohesive with the majority society.

As a matter of fact, when asked to express a free opinion on the situation of their minority, most of people who accepted to answer (about one fourth) underlined that they do not enjoy the same rights as the majority does, and they are often compelled to seek for better life conditions and job in Austria.

**Graph n. 37: cohesion - segregation**



To summarize, the most salient results that emerged from the present survey are essentially four.

1) The majority of interviewed Roma feels well protected in the fields of ‘cultural life’ and ‘education’, notwithstanding the absence of *ad hoc* laws. By contrast, the **fields of ‘use of language’ and of ‘political representation’ are considered quite weak in terms of protection.**

2) However, minority protection is overall considered insufficient also in the fields of ‘information and the media’ and ‘cross – border cooperation’, thus **four sectors over six do not reach sufficient approval.**

3) Another gap emerges if we take into consideration results referring more specifically to social aspects: here it’s clear the **persistence of a conflicting relationship with the majority.**

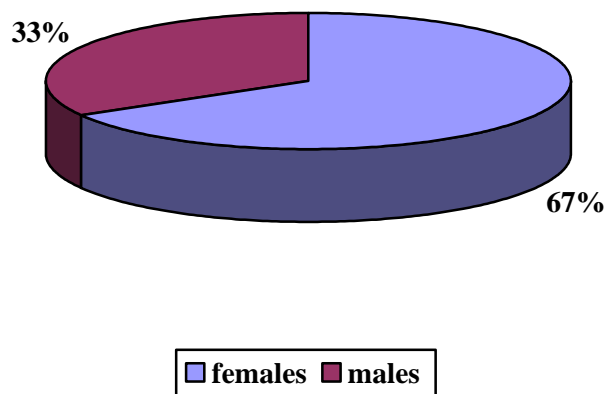
4) Overall, the Roma in Slovenia appear to feel sufficiently protected only in certain fields, which makes they feel **moderately protected as a minority but not quite well treated within the majority society.**

### 6.5.3– *The Tornedalian locally concentrated minority in Sweden*

The Tornedalian minority in Sweden constitutes a quite homogeneous group, locally concentrated in North- Eastern Sweden and even though different Tornedalian groups cover several regions, they present most of characteristics in common, first of all language and history.

The majority of respondents is constituted by woman (67%), middle –aged people and with higher education (Bachelor's degree 38%). As in the case of Roma, it was not possible to respect all in – group proportions due to the employment of a snowball method in which the researcher has little or no influence on the choice of subjects, if not for the retrieval of initial subjects and the providing of some general guidelines.

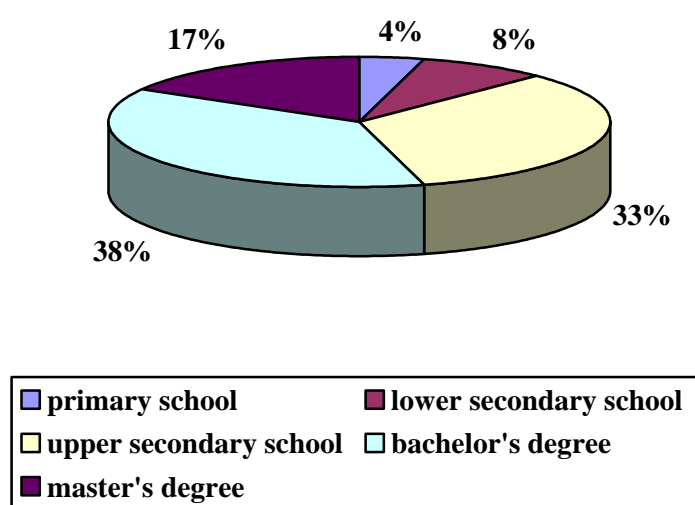
**Graph n.38: respondents of Tornedalian community  
by gender**



**Table n. 41: age groups**

18 - 29	1 case
30 - 39	10 cases
40- 49	10 cases
50 +	29 cases

**Graph n.39: respondents of Tornedalian community by education level**

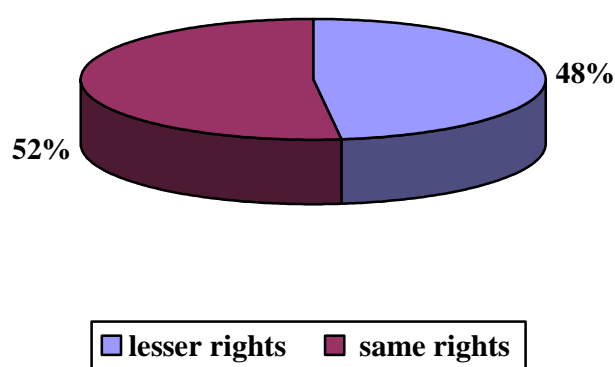


As we can see from the following graph, 52% of respondents perceive to have equal rights within the society, whereas 48% do not feel equal to Swedish people.

Regarding the comparison with other national minorities, the vast majority perceives to enjoy lesser minority rights than the Sami, but more than the Roma and the Jews. 60% feel equalled to the Finns in terms of rights. From this brief analysis we can already state that Tornedalians perceive the gap existing between the protection of the different national minorities and it seems to confirm what we have concluded from the theoretical part of the work: a sort of hierarchy among national minorities, where the traditional minorities of Sami and Finns are guaranteed more rights, and a clear discrepancy between the protection of

national minorities as such and minorities considered as national. Nevertheless the Tornedalians do not perceive their protection as inferior to that of Finns, which confirms that the latest legislation already brought some effects in the perception of people on their daily life as a minority; it also confirms that a clash between the Tornedalians and the Finns is unlikely to happen in those administrative areas where both enjoy special rights.

**Graph n.40: substantial equality of rights**



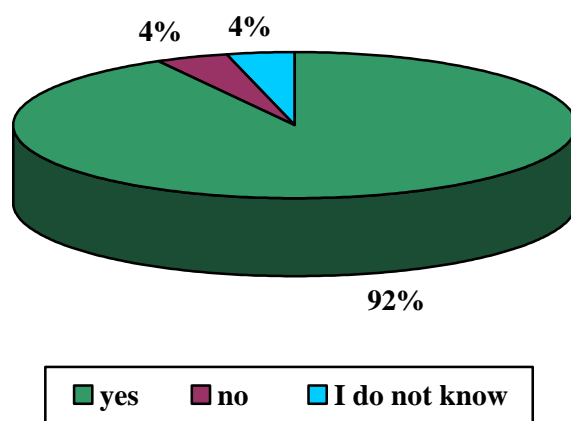
**Table n. 42: equality of rights in comparison with other national minorities (number of occurrences)**

<i>With respect to</i>	Lesser rights	Equal rights	More rights
<b>Sami minority</b>	40	10	-
<b>Finnish minority</b>	20	30	-
<b>Roma minority</b>	12	12	26
<b>Jewish minority</b>	10	6	34



The vast majority of Tornedalians, 92%, is well aware of the special rights they enjoy as a national minority, whilst another 8% either does not know about the existence of minority rights for their own minority or thinks that it does not enjoy any special minority rights.

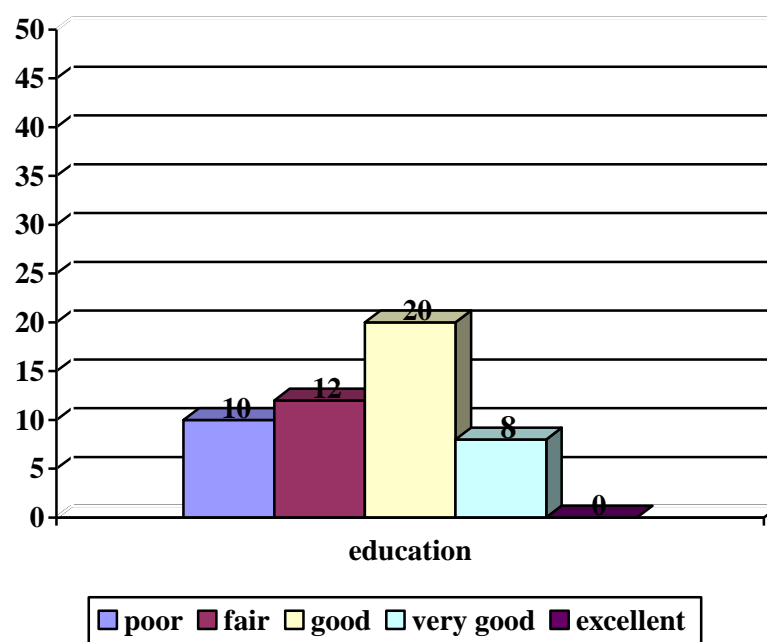
**Graph n.41: awareness of minority rights**



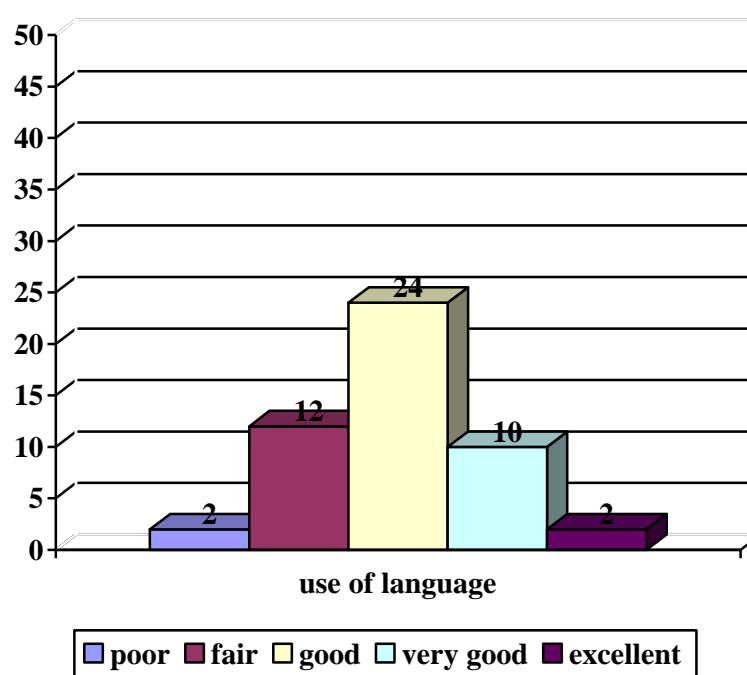
Regarding minority protection field by field, the majority of respondents seems to consider it as 'good'. In particular, protection in the use of language and in cross – border cooperation with Finland is deemed to be very good or excellent by approximately one fourth of respondents.

The fields of 'political participation' first and 'education' secondly are considered the less brilliant ones, with almost half of respondents judging them as 'poor' or 'fair'; though the other half considers them as 'good' or 'very good'. The field of information and the media and cultural life are deemed on average between 'fair' and 'good'.

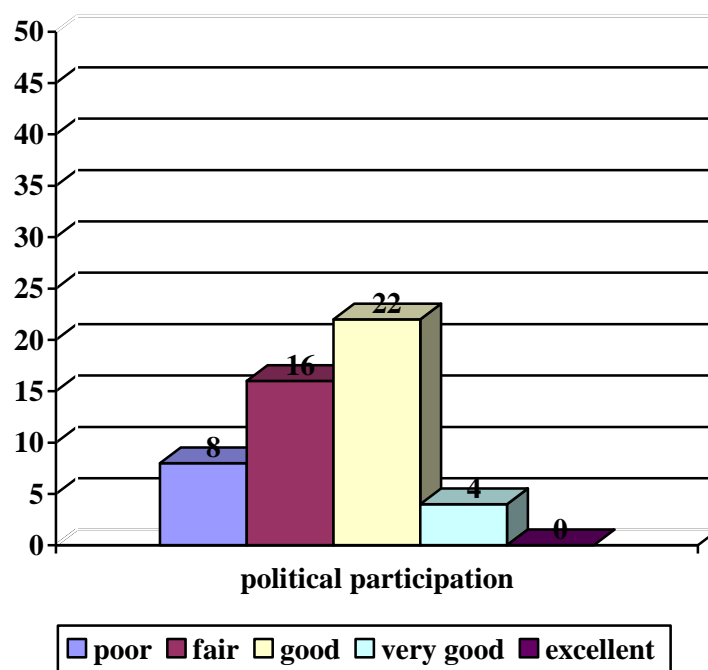
**Graph n. 42: perceived protection in the field ‘education’**



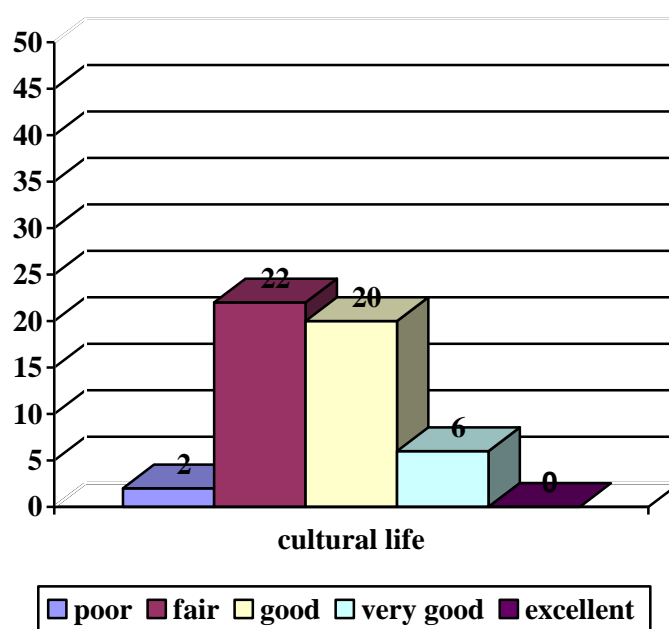
**Graph n. 43: use of minority language**



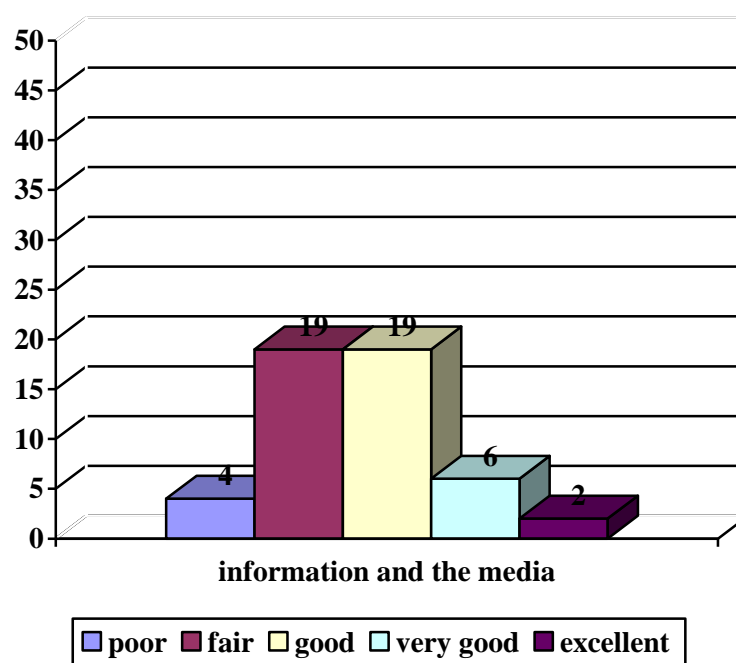
**Graph n. 44: perceived protection in the field ‘political participation’**



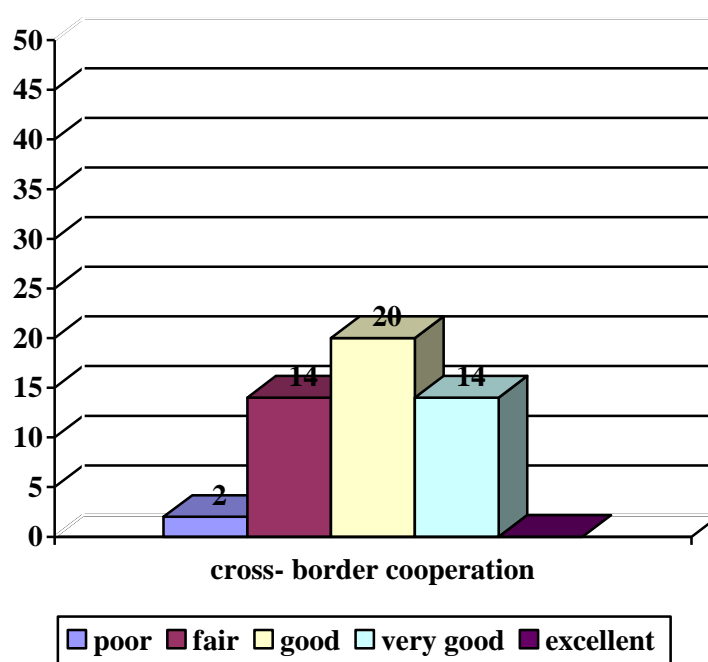
**Graph n. 45: perceived protection in the field ‘cultural life’**



**Graph n. 46: perceived protection in the field ‘information and the media’**



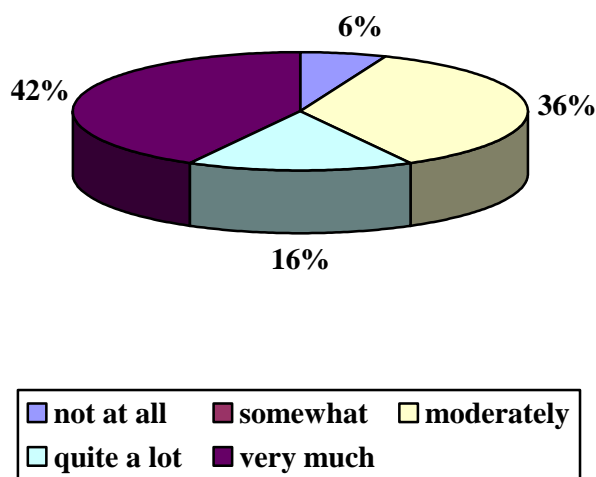
**Graph n. 47: perceived protection in the field ‘cross – border cooperation’**



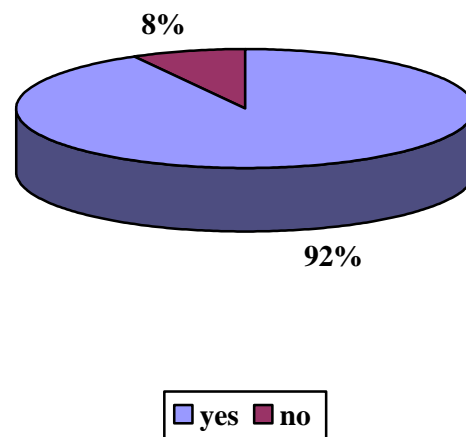
Approximately 30% of respondents state to have received bilingual education and among them less than 50% received it at school. The possibility for Tornedalians to request primary and lower secondary education in mother tongue has been officially introduced by the legal system only in the year 2000 and it has been implemented on a large scale only in the latest years. It is therefore obvious that most of Tornedalians who are over 20 did not have the chance to have access to a proper bilingual education. This may be also the reason why the field of education was deemed to be one of the worst ones. Should the survey be carried out again in a ten – years time, the perception would probably change; we say probably because several practical issues have to be checked out, e.g. as we mentioned above the lack of qualified personnel mastering the minority language and a lack of proper textbooks in the minority languages.

On average, respondents state to make large use of their minority language in private domains (almost 60% uses it ‘quite a lot’ or ‘very much’ in the daily life). The language is still very alive and this assertion is confirmed by the fact that more than 90% of interviewed people state to have knowledge of Meänkieli. Over these 46 people, Meänkieli is considered as a language – as it in fact is - by 42 individuals, whereas four respondents add it under the voice ‘dialects’.

**Graph n. 48: use of minority language in everyday life (private domains)**



**Graph n. 49: knowledge of Meänkieli**



Whilst the use of the minority language is very common at home, it cannot be said the same as regards its use with public administration. More than half of respondents, actually 56% of them, feel they are ‘not free at all’ or ‘not very free’ to use it in public domains.

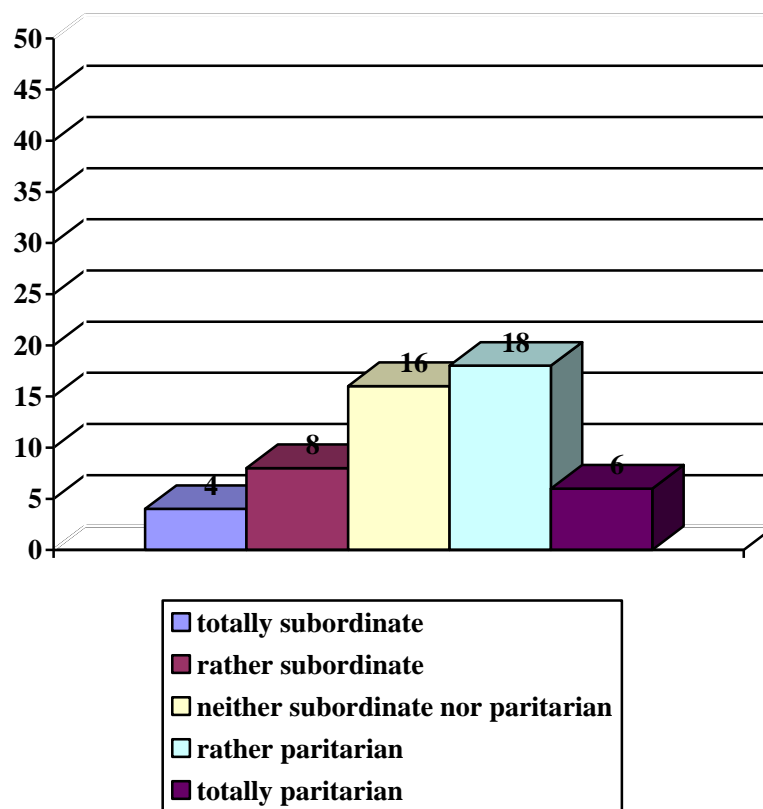
As in the case of education in minority language, the introduction of legislation on the use of minority language in the contacts with public administration dates back only to the year 2000 and it has just started to be implemented. If we add that the implementation of legislation largely depends on the political will within municipalities and on the awareness of the local authorities about minority language issues, it is not surprising that the majority of respondents do not feel as free as they on the paper should in using the minority language out of home.

However, since virtually all speakers have also a good command of Finnish, as they are mutually intelligible languages, Tornedalians could also make use of Meänkieli at least in the oral contacts and be easily understood by public officers for all Tornedalian administrative areas are also Finnish administrative areas. As an alternative, they may also use Finnish, which is more widespread within institutions, instead of Swedish due to the tight kinship linking the two languages. Of course this is meant only as a temporary solution as Swedish authorities have however the responsibility to provide adequate protection for Meänkieli speakers.

The political field, as mentioned above, is the one in which the Tornedalians feel less protected. As a matter of fact, none of respondents considered protection very good or excellent in any of the following domains: representation, decisional power and autonomy.

Overall, the opinion on minority protection is not as generous as one may expect: some 34% of respondents feels to be not protected at all or little protected as a member of the Tornedalian minority; some 18% feels to be somewhat protected and only 16% thinks the protection is very good or excellent.

**Graph n. 50: parity – subordination**



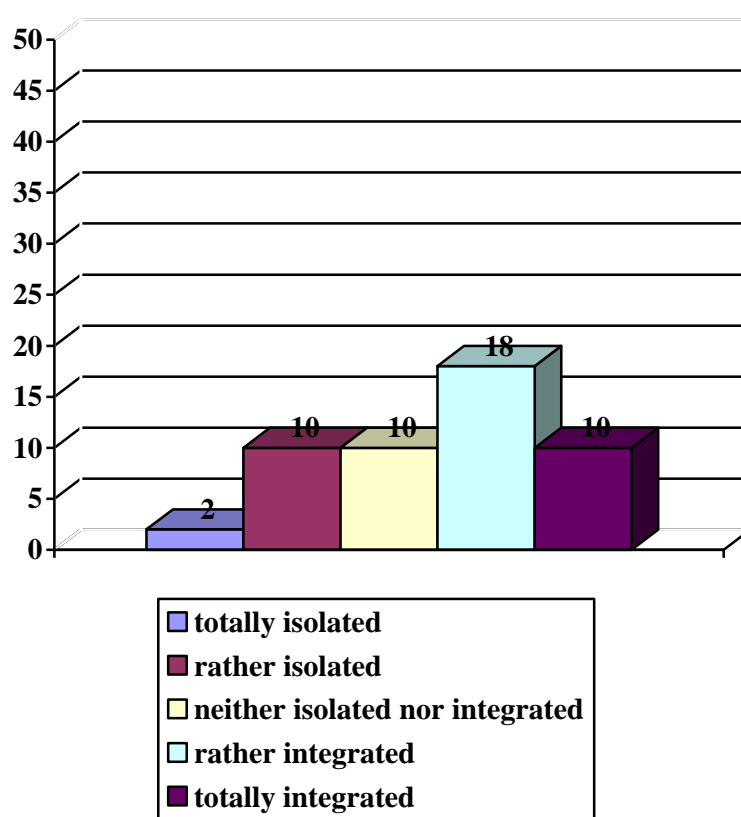
Almost 50% of respondents considers that the Tornedalian minority has the same status as Swedes as members of the majority society. Another 24% feels to be *de facto* in a subordinate position, whilst another 27% does not have an extreme opinion but considers the minority as having a good status but not equalled to the Swedes.

Overall it can be said that the Tornedalian respondents feel rather integrated within the

majority society. They are resident on the territory since immemorial times and the feeling of isolation is not contemplated by many individuals. Virtually all Tornedalians have perfect command of Swedish and Finnish as well, therefore they constitute some kind of link between Sweden and Finland, even though holding their peculiarities; they are situated in a peripheral but strategic area which has received great internal and international attention due to its highly developed cross - border cooperation programmes whose aim, among other things, is integration among peoples.

These facts can partly explain the feeling of (at least relative) integration which is too many times unknown on behalf of minorities' members.

**Graph n. 51: integration - isolation**

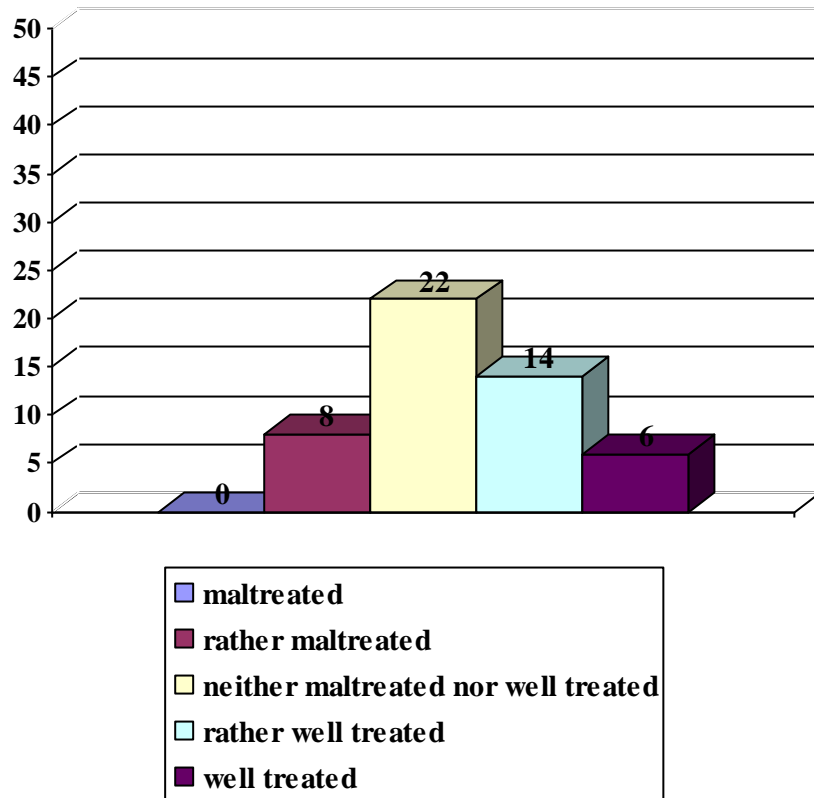


As regards the couple good treatment – maltreatment, an intermediate feeling prevails, as 44% of respondents deemed that ‘fairly treated’ defines best the condition on the Tornedalian minority. However, no one deemed to be maltreated.

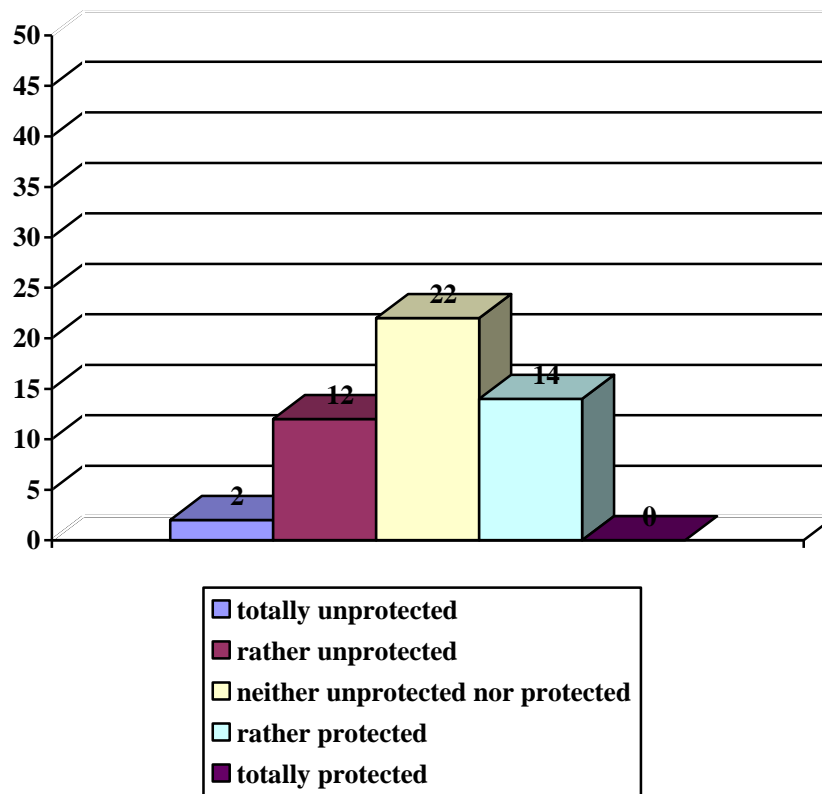
Also regarding protection, the majority thinks that the minority is ‘fairly’ protected. It is though interesting to notice that no one considered it as ‘very well protected’.



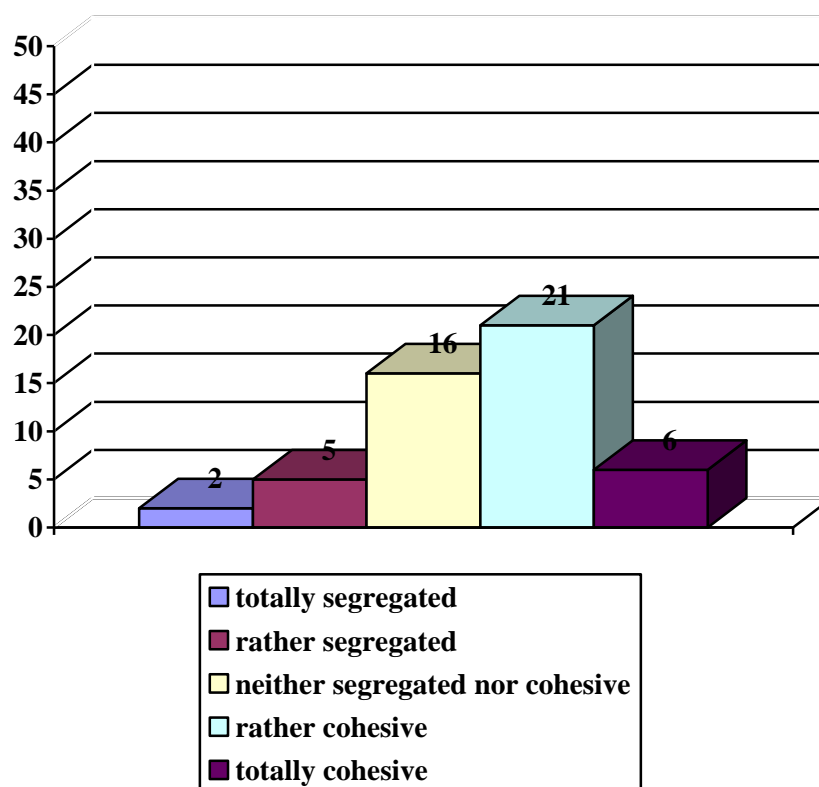
**Graph n. 52: good treatment – maltreatment**



**Graph n. 53: protection – non protection**



**Graph n. 54: cohesion - segregation**



The last dichotomy opens up an encouraging scenario which was until this point not very clear. As a matter of fact, the majority considers itself as quite cohesive with the majority. Over 85% of respondents are therefore relatively, quite or very optimistic regarding the relationship with the majority society and only a little percentage lives segregation feelings.

Also in the case of Tornedalians we gave respondents the possibility to comment on the situation of Tornedalians as they perceive it through an open question. In this case more than half was willing to answer, someone also in a very articulated way.

Several people underline that the education and media sector should be emphasized more. In particular, they state, Meänkieli should be compulsory at school or, in worst case, parents should have more chances to send their children to classes where a bigger amount of teaching hours in Meaenkieli is provided. Some fear that Tornedalian culture will extinguish unless concrete measures to keep the language alive are taken.

To summarize, the most salient results that emerged from the present survey are

essentially six.

1) The majority of interviewed Tornedalians feels more protected in the fields of ‘use of language’ and ‘cross – border cooperation’. By contrast, the **field of political participation and representation appears to be the most problematic.**

2) In terms of minority rights, it appears that they mostly feel equalled to the Finns and are **aware of the gap of rights** in comparison with the Sami, on one side, and with the transnational national minorities (Roma and Jews) on the other.

3) From the results of the present survey the minority seems to feel **quite well integrated and well treated and rather cohesive with the majority society.**

4) However, when it comes to evaluate the protection level in the whole, opinions are rather divergent and no clear result emerge with this regard; nevertheless, on average Tornedalian respondents feel to be **fairly protected.**

5) Overall, the Tornedalians appear to feel quite satisfied about their minority protection only in certain fields and quite well treated and very cohesive with the majority society; nevertheless the high standard of minority rights they demand due to historical and cultural reasons makes them feel overall **not as well protected as thir integration within the majority society would suggest.**

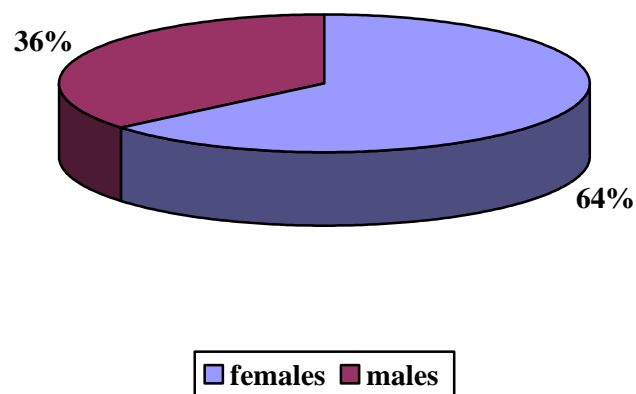
6) They also constitute an example of clear gap **between the (perceived) legal and the social dimension**, where the latter has great influence in the feeling of well being of the minority.

#### 6.5.4 - The Romany transnational minority in Sweden

The Romany minority in Sweden constitutes a very heterogeneous group, as we have seen in the theoretical section. In this research, all six subgroups have been taken into consideration in order to obtain a more complete view on Swedish Roma's opinions. However, using a snowball method, it was not possible to respect the percentages of the different groups composing the social landscape, although we have tried to take into account different age groups and education levels.

Nevertheless, even though the average education level of Roma people in Sweden appear to be rather high in comparison with Roma living in other countries, it has to be underlined that the vast majority range from primary to upper secondary school; a small but relevant percentage has got a Bachelor's degree, though none of respondents was found in possession of a Master's degree or a PhD. It has been confirmed by experts that only a very few people (not more than 10 over the total) have obtained one of such degrees. Let's start by commenting the results given by the Roma minority in Sweden.

**Graph n.55: respondents of Swedish Roma community by gender**

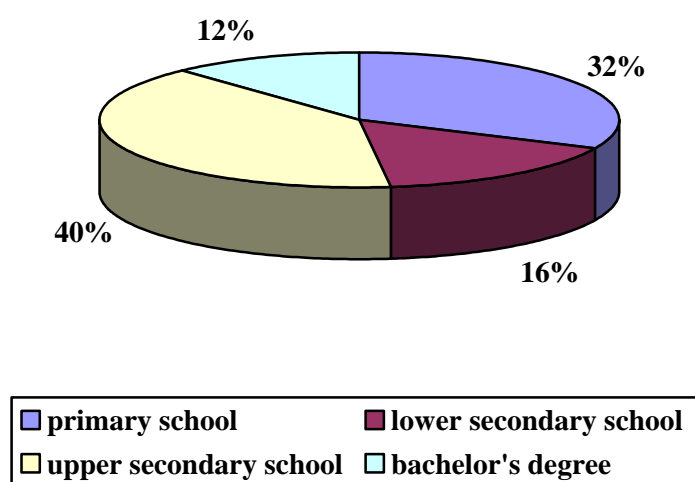


**Table n. 43: age groups**

18 - 29	26 cases
30 - 39	13 cases
40- 49	10 cases
50 +	1 case

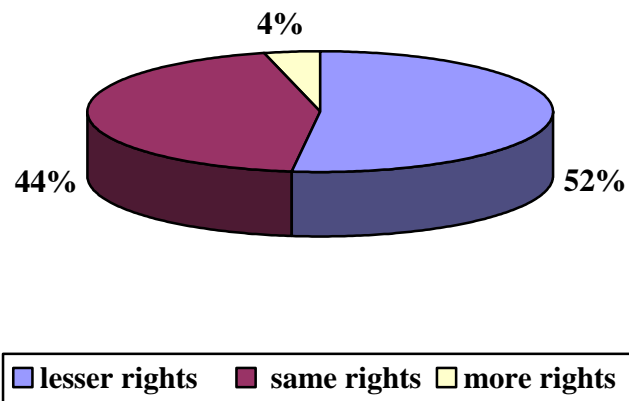
Age groups appear to be rather unbalanced; some effort was made to reach at least a few people over 50, but it has not been possible. One possible reason is the very low literacy rate among older Roma and the vast majority of them do not anyhow possess the minimum skills to be able to understand and answer the questionnaire without any external help. Accordingly, the survey has been limited to a ‘young’ and active population.

**Graph n.56: respondents of Swedish Roma community by education level**



The majority of respondents, with no substantial differences related to gender or education level, perceive to enjoy lesser rights than the majority community.

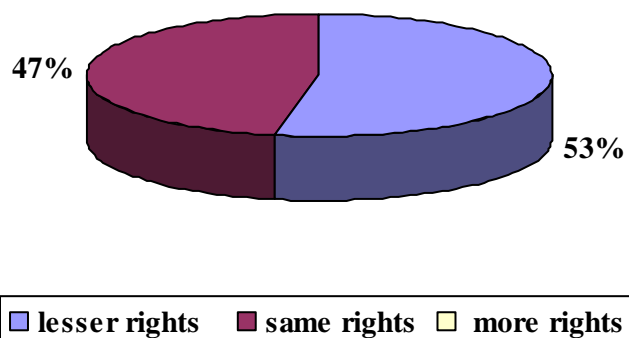
**Graph n.57: substantial equality of rights**



As we can see from the graph, 52% of respondents perceive to have lesser rights within the society, whereas 44% do not feel equal to Swedish people.

Things are different when the same questions refer to a comparison not with majority society but with other national minorities.

**Graph n. 58: equality of rights in comparison with other national minorities**



The graphs show that most of Roma respondents perceive to have lesser rights both in comparison with the majority and the recognized minority groups. However, some differences are to be noticed with regard to different minorities.

**Table n. 44: equality of rights in comparison with other national minorities (number of occurrences)**

<i>With respect to</i>	<b>Lesser rights</b>	<b>Equal rights</b>	<b>More rights</b>
<b>Finnish minority</b>	28	22	-
<b>Sami minority</b>	26	24	-
<b>Tornedalian minority</b>	32	18	-
<b>Jewish minority</b>	20	30	-

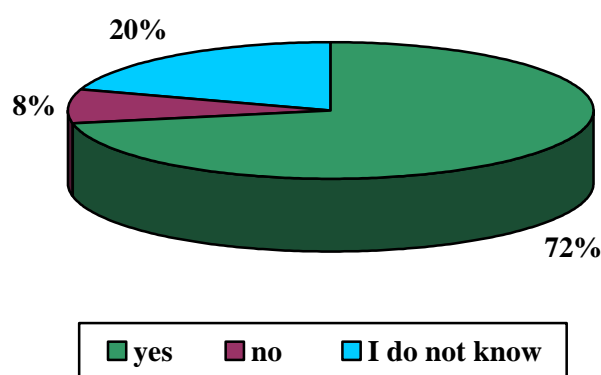
Respondents appear to feel a greater gap respectively with the Tornedalian minority, the Finnish minority and the Sami minority. This confirms that the minority administrative areas system is somehow perceived as discriminatory as the three above mentioned groups actually enjoy more extensive rights in several fields. The same gap is not felt with regard to the Jewish community, instead of being – from a social point of view- a traditionally well integrated minority.

Two thirds of interviewed Roma perceive to enjoy the same minority rights as the Jews do. It is also interesting to notice that the Tornedalian minority is perceived, in comparative terms, to enjoy the most extensive rights.

From a legal point of view, their position does not appear more ‘privileged’ with respect to the Sami and Finnish minorities; nevertheless, in spite of being a relatively small minority, the Tornedalians were granted at least on the paper good protection, above all as far as the use of language concerns; and since this protection is relatively recent and arose several debates in the Swedish political arena, the Roma respondents might have perceived their were granted, unlike them, some kind of ‘privilege’.

The vast majority of Roma, 72%, seem to be aware of the special rights they enjoy as a national minority.

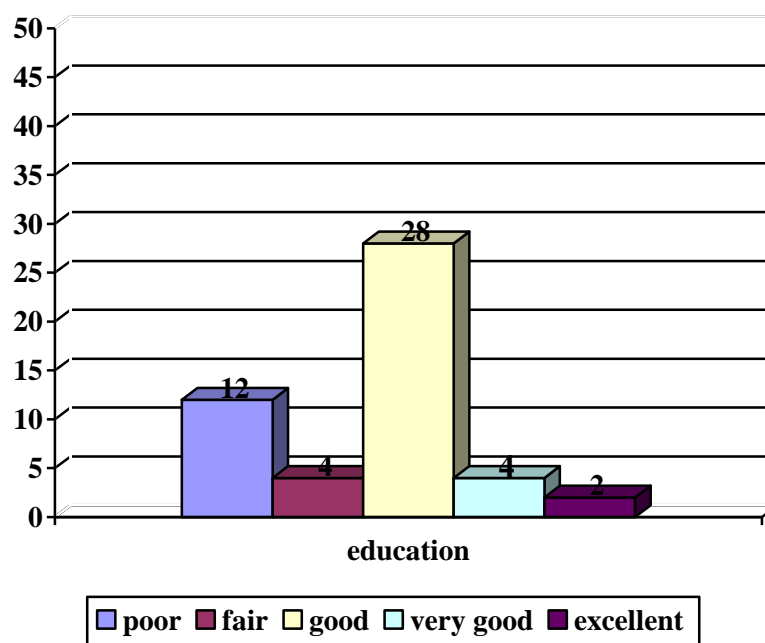
**Graph n.59: awareness of minority rights**



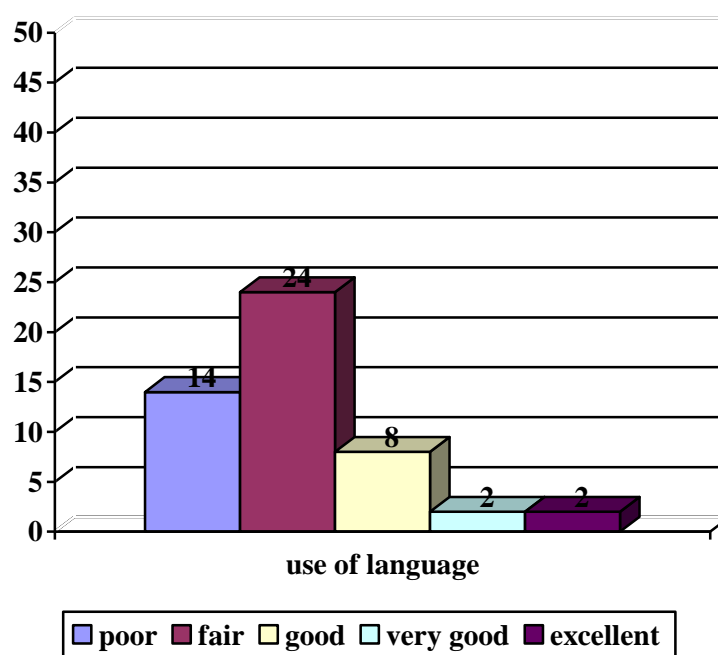
Regarding minority protection field by field, protection is considered good in certain ones and less good in other ones. Protection in the field of education, promotion of cultural life and cross – border cooperation is deemed to be ‘good’ by the majority of respondents, whereas it is perceived to be scarce in the other fields. In particular, 40% of respondents consider minority protection in the field of political participation as ‘poor’ and 28% consider the protection regarding the use of language as such. The vast majority (48%) considers protection in the information and media sector as ‘fair’.



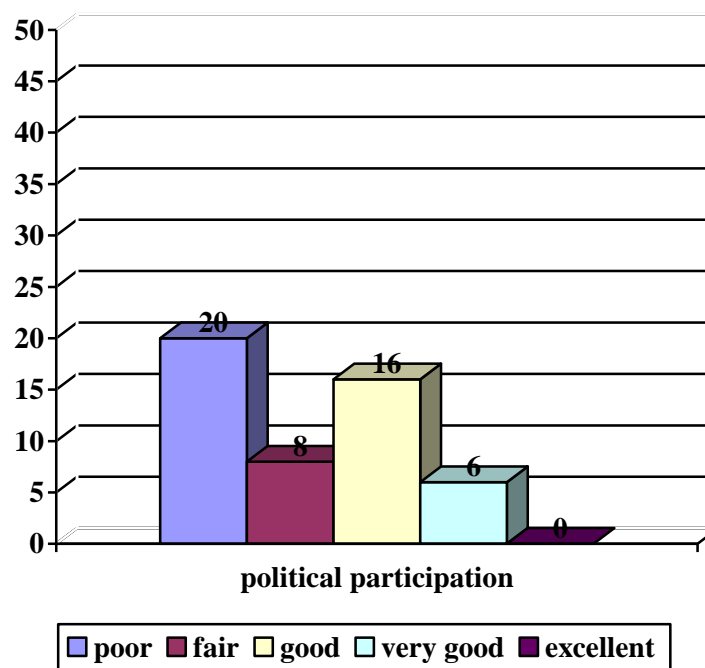
**Graph n. 60: perceived protection in the field ‘education’**



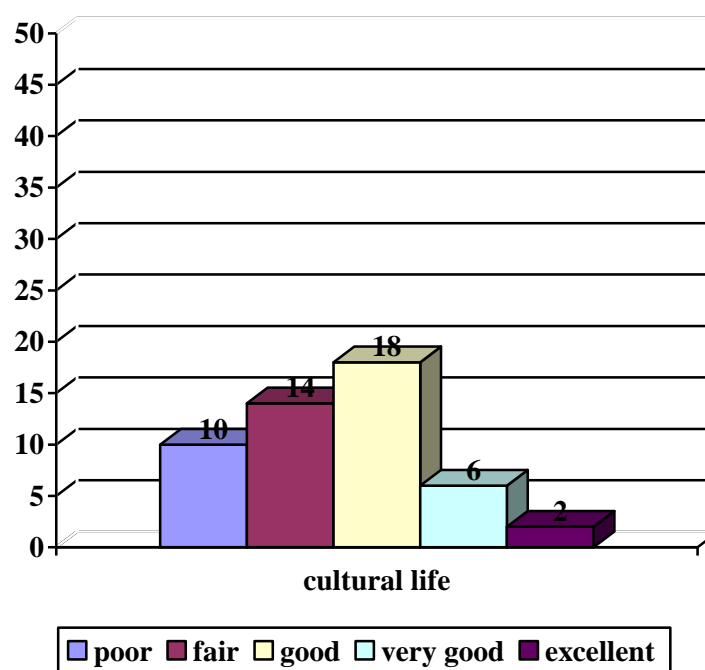
**Graph n. 61: perceived protection in the field ‘use of minority language’**



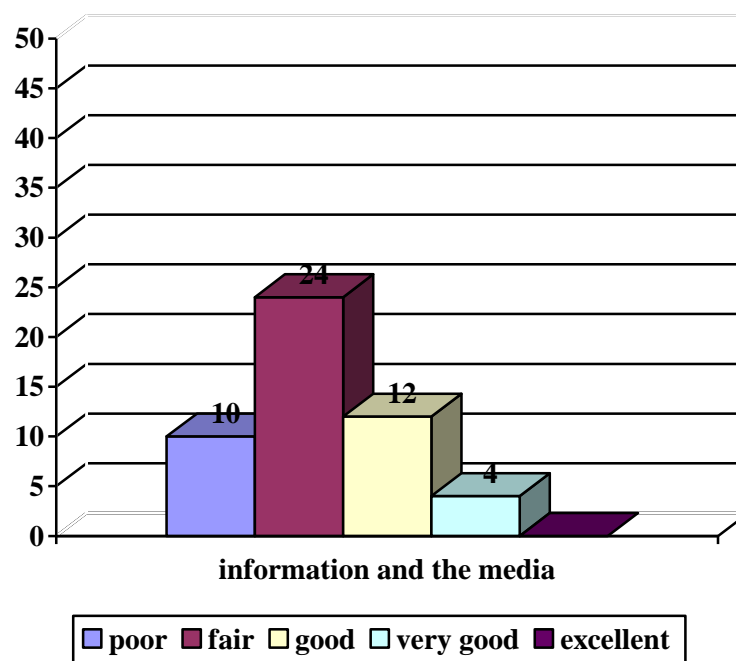
**Graph n. 62: perceived protection in the field ‘political participation’**



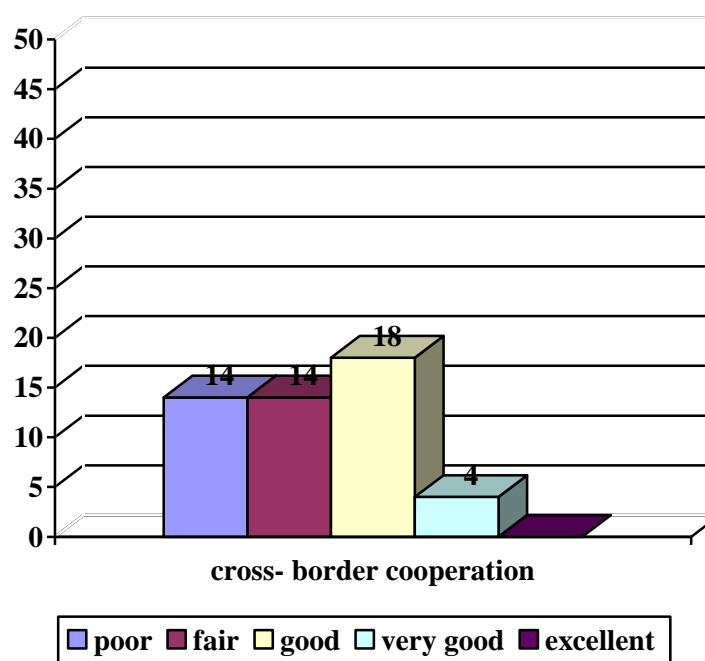
**Graph: n. 63: perceived protection in the field ‘cultural life’**



**Graph n. 64: perceived protection in the field ‘information and the media’**



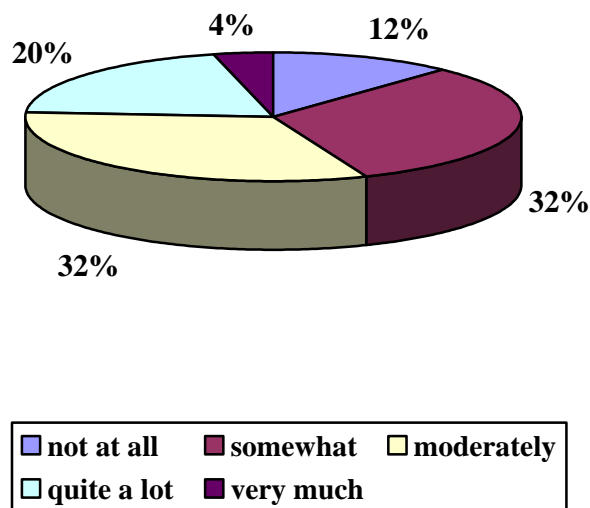
**Graph n. 65: perceived protection in the field ‘cross- border cooperation’**



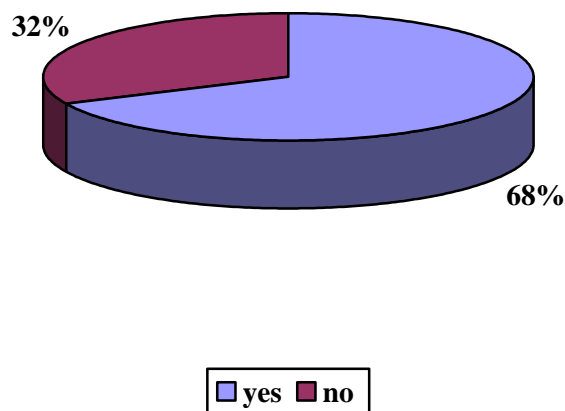
In spite of the relatively good ‘score’ given to education, 96% of respondents state to have not received a bilingual education; the only four people who did, specified that it was received out of institutional domains.

On average, respondents state to make use of their minority language (whether Romany Chib or a variant or a dialect) at least moderately in private domains (family, friends belonging to the same community,...). This confirms the language is quite alive; as a matter of fact, 68% of respondents speak Romany and in more than 90% of cases their command of language ranges from very good to excellent.

**Graph n. 66: use of minority language in everyday life (private domains)**



**Graph n. 67: knowledge of Romany language**

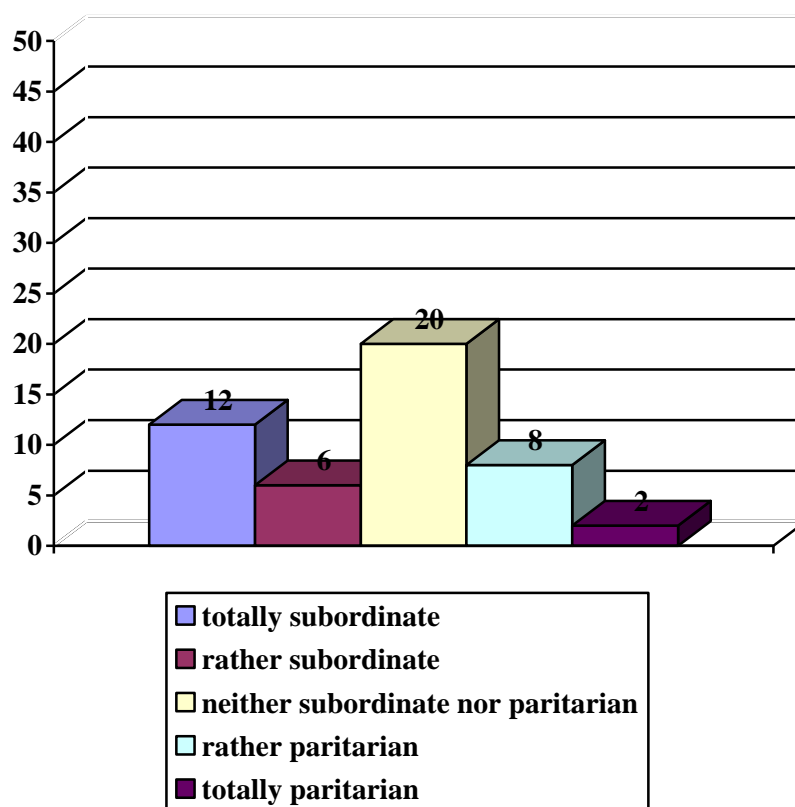


Nevertheless, the use of the minority language is almost totally restricted to the private domain: 80% of respondents feel they are not free in any way to use their minority language with the contacts with public administration. Some 20% feels to be able to use it 'a little'.

The vast majority also appear to feel at the margins of the political life, in all its possible relevant dimensions for a national minority: representation, decisional power and political autonomy. In particular, the field of representation appears slightly more problematic than the other two, with almost half of respondents not feeling represented at all in the political arena.

Results are rather homogeneous in front of more general and explicit questions: 76% of respondents feel that matters affecting them are not at all or little taken into consideration. And 80% feel they are not all (28%) or little (52%) protected.

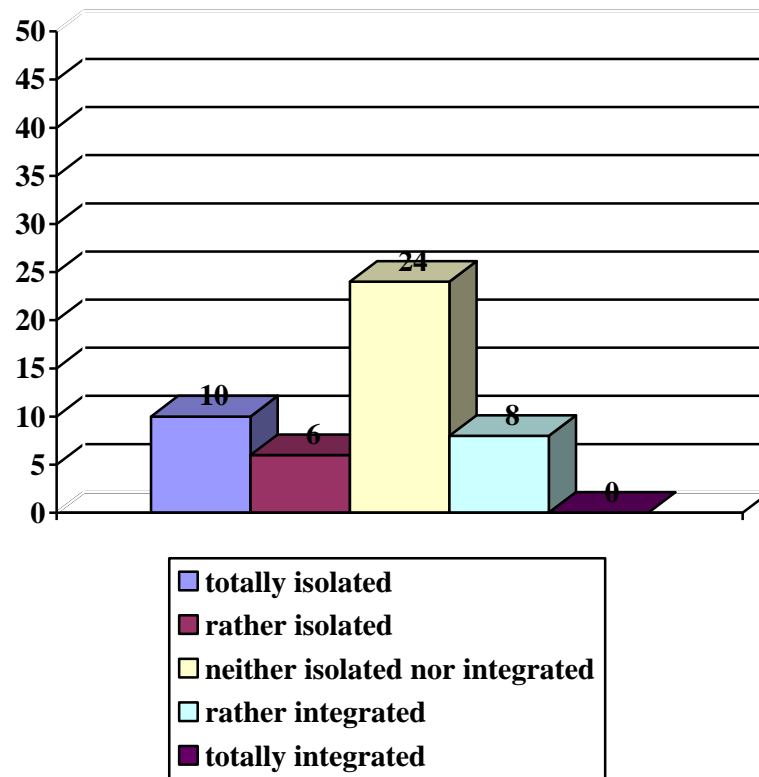
**Graph n. 68: parity – subordination**



Some 40% of respondents consider that the Roma minority enjoys some kind of intermediate status between parity and subordination, within the majority society. This means that the majority does not feel to be ‘on the same level’ as the majority but does not even have a clear feeling of subordination. However, another 36% feels ‘quite’ or ‘very’ subordinate, whilst only 20% feels ‘quite’ or ‘very’ paritarian.

Things are not very different as regards the couple integrated into the majority society – isolated from the majority society. It has to be underlined that none of respondent feels ‘very’ integrated, and only eight people feel ‘a little’ integrated. This can be deemed as one of the most relevant results of the survey.

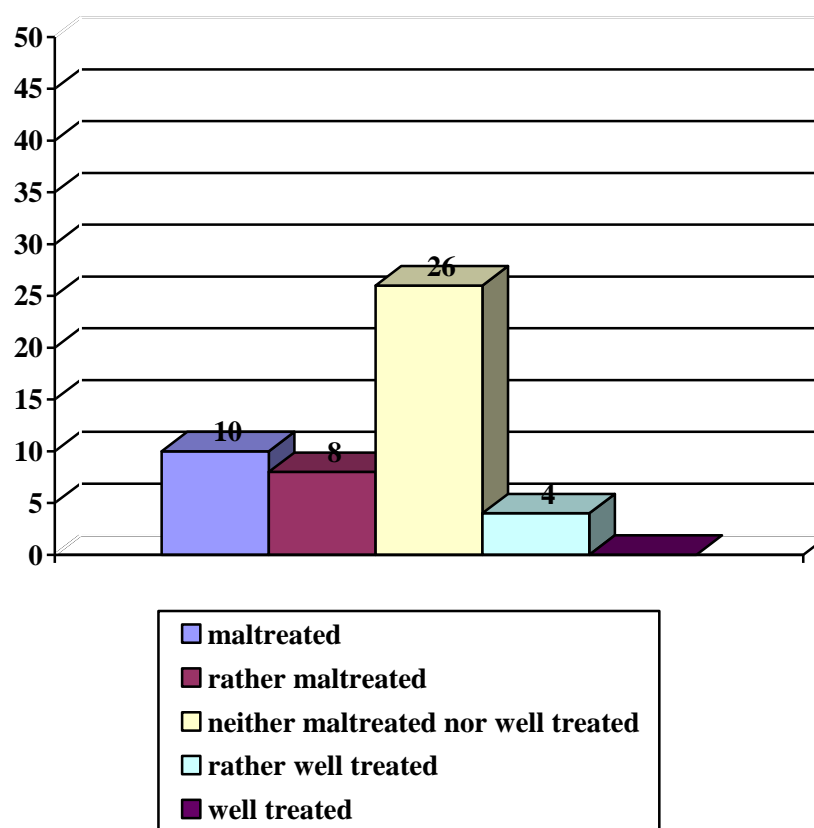
**Graph n.69: integration – isolation**



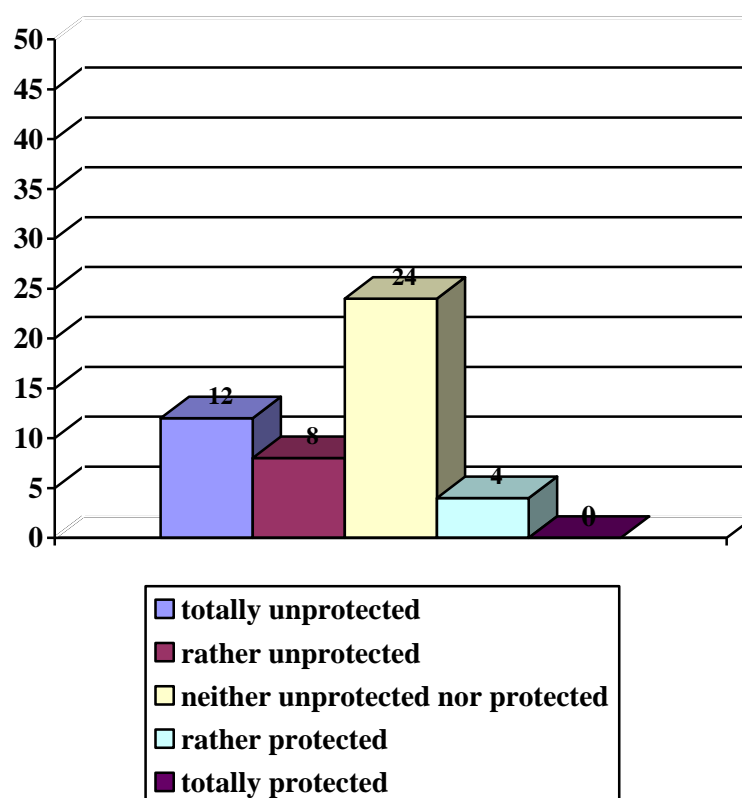
It is also significant that virtually none of Roma respondents perceives that his/her minority is well treated: 20% thinks it is actually maltreated, whilst around 50% deemed that an intermediate ‘answer’ was the most appropriate to define the condition of the minority regarding the ‘goodness’ of treatment.

Most of respondents gave the same answers as regards the couple protected- not protected. 40% considers that the minority is little or not at all protected.

**Graph n. 70: good treatment – maltreatment**



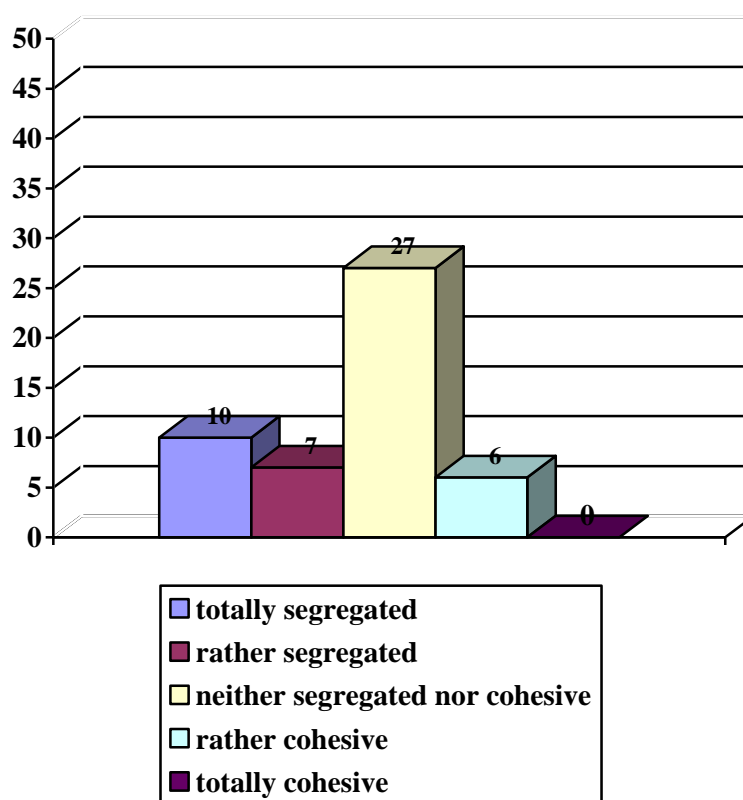
**Graph n. 71: protection – non protection**





If we take into an account the last dichotomy, referring more to a social than to a legal dimension, the results are not very encouraging either: 32% of individuals feel to be quite or very segregated from the majority society. If eight persons over fifty felt to be quite integrated into the majority society, only six persons feel cohesive.

**Graph n. 72: cohesion – segregation**



In the questionnaire we gave respondents the possibility to comment on their personal situation or the Roma situation in general through an open question. Only a few people were willing to answer. Over seven people, three maintained that they enjoy good rights in Sweden though they are not equalled to the majority: one person stated that they have to work the double for the same salary and two other people maintained that they have no real place in the society and are treated as different. According to two other people, the system is not bad itself; it is education that makes the difference.

To summarize, the most salient results that emerged from the present survey are essentially three.

1) The majority of Roma is aware of the special rights granted to the minority; nevertheless most of people perceive to have to great extent lesser rights than the other national minorities, with the exception of Jews. The fields in which they feel more protected are education and cultural life, whereas the **field of political participation and representation appears to be the most problematic.**

2) The insertion of the Roma minority into the majority society represents an even more problematic issue. Surprisingly, virtually none of respondents feels to be paritarian, integrated, well treated, protected or cohesive with the majority society; on the contrary a **relevant percentage** (ranging from 20% to 25%) **thinks that the Roma minority in Sweden is subordinate, isolated, maltreated and segregated.**

3) It is possible to observe a slight **gap between the awareness to enjoy some special rights**, even though not in the same way as other minorities do, **and the feeling of belonging to the Swedish society**: whereas almost half of the population of reference thinks to have the same rights as the majority does, and an average almost half of it thinks to have the same rights as the other national minorities do, nearly 70% of respondents does not feel protected. This shows that the laws are there, and even Roma people are kind of aware of them, but they are not translated into practice or made effective so that Roma members are able to say to enjoy a good position within the Swedish society.

#### *6.5.5 – Community membership feelings*

Through question n. 4 we have also tried to identify the strength of the sense of belonging to various ‘communities’ of reference by behalf of minorities’ members. The answers, though not strictly connected with minority protection, might give some key information in order to interpret the results presented above.

As far as Slovenia is concerned, 72% of Hungarians maintain to identify themselves very much with their national/ ethnic community. The feeling of belonging to the Slovenian State is weaker but still substantial: about 70% of respondents identify themselves a lot or

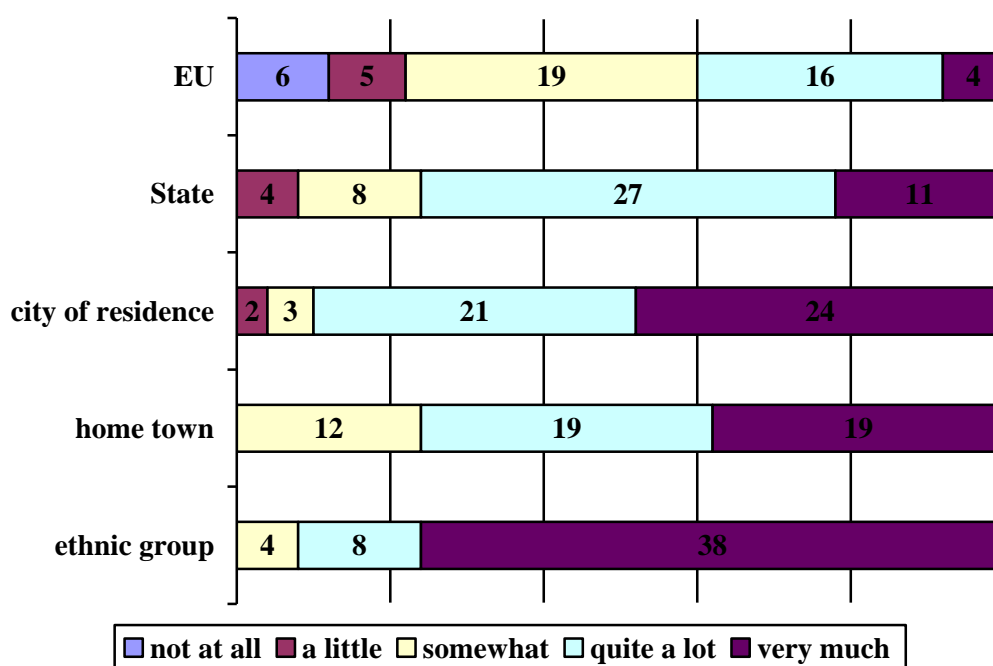
quite a lot with the host country.

Slovenian Roma, by contrast, identify themselves with their ethnic group only moderately: less than 30% feels a strong ethnic affiliation, whereas most of respondents identify themselves firstly with the city where they live and secondly with the State. Moreover, Roma seem to identify themselves more with the E.U. than the Hungarians do.

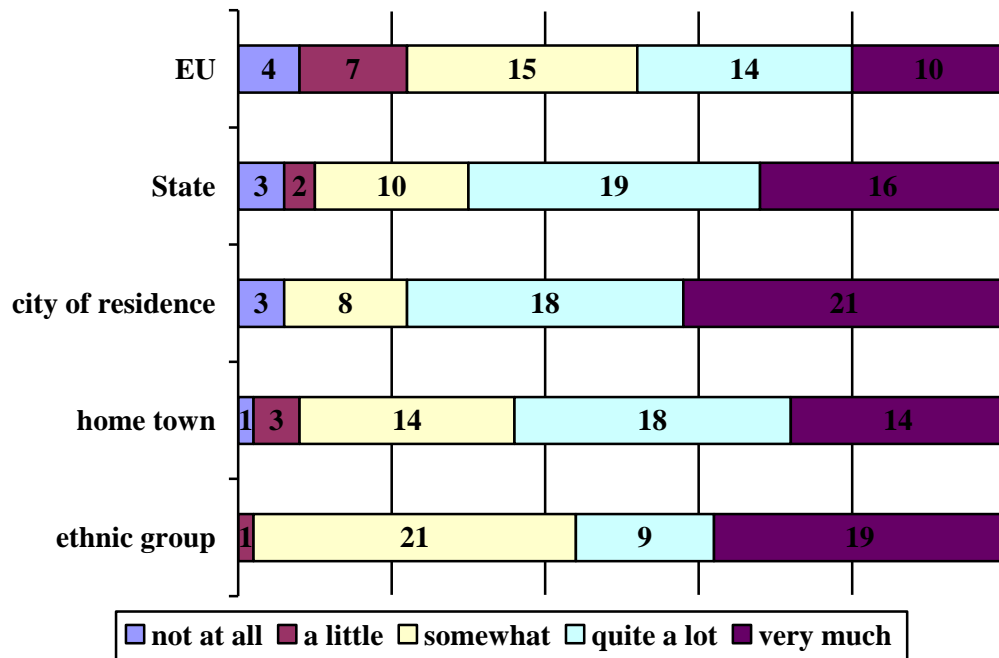
As far as Sweden is concerned, 80% of Tornedalen Finns identify themselves quite a lot or a lot with their ethnic group. The identification with the home town appear the strongest for the majority, whilst the one with the Swedish State is rather weak: only half of them consider the attachment strong or very strong. It is also surprising that the Tornedalians have a very weak identification with the E.U.: 40% of respondents do not feel any attachment at all.

Swedish Roma also feel more attached to their own ethnic community than Slovenian Roma do, but only 50% of them feel a strong attachment. The second strongest identification is with the State, even though it does not appear to be particularly strong either, as the relative majority (about 40%) opted for an intermediate answer in terms of feeling of belonging.

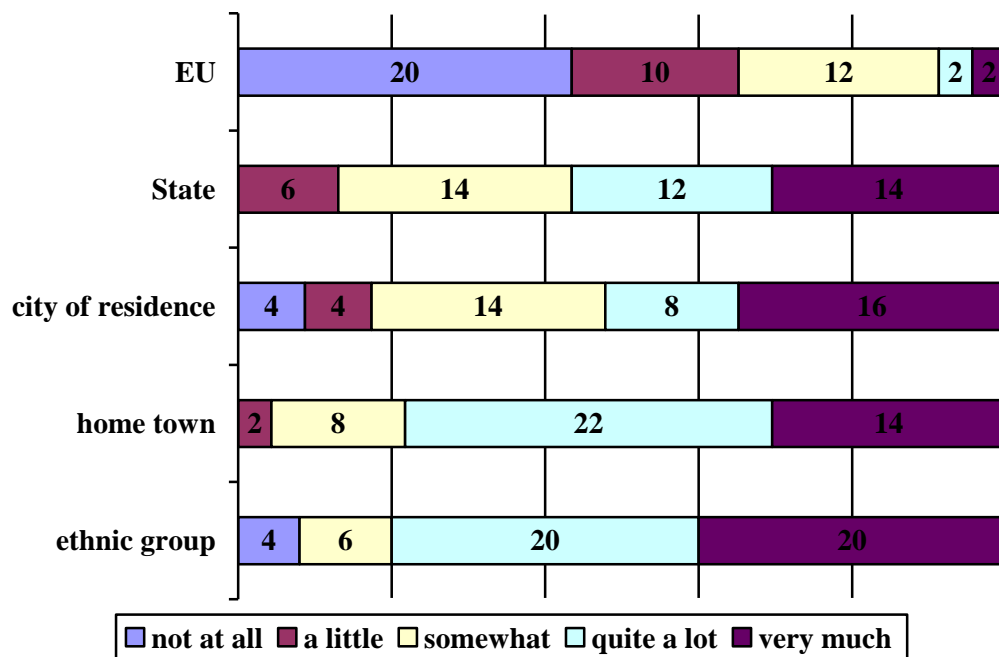
**Graph n. 73: community membership feelings Hungarians in Slovenia**



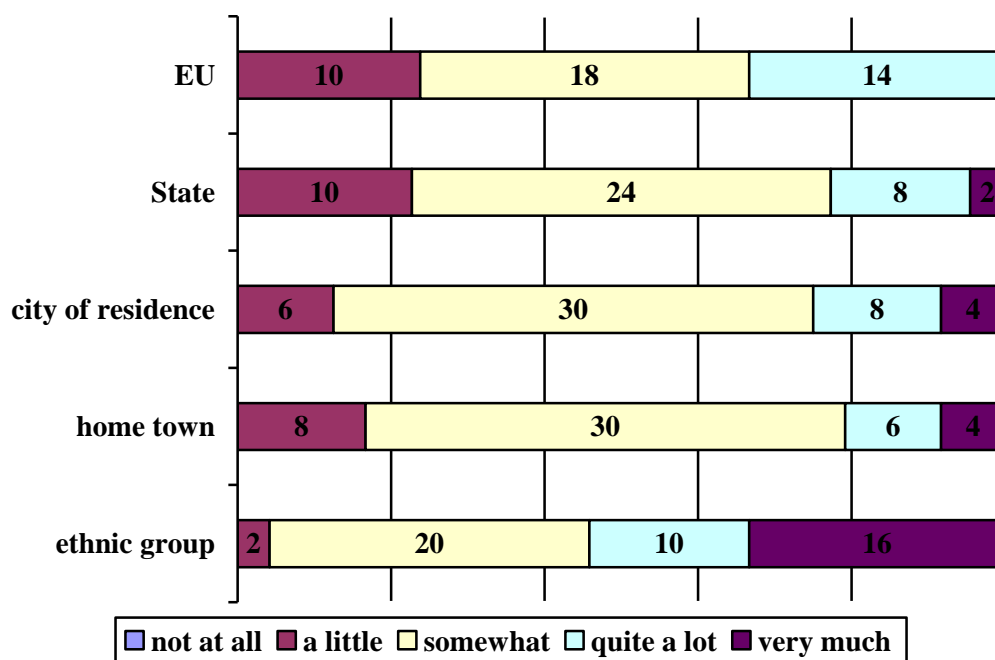
Graph n. 74: community membership feelings Roma in Slovenia



Graph n. 75: community membership feelings Tornedalians in Sweden



**Graph n. 76: community membership feelings Roma in Sweden**



From this scenario we can underline the following points:

- The Hungarians in Slovenia tend to identify themselves very much with their ethnic community (national minority), quite a lot with the Slovenian State and little with the EU.
- The Roma in Slovenia tend to identify themselves quite a lot with the Slovenian State and only moderately with their ethnic group.
- The Tornedalians in Sweden tend to identify themselves very much with their ethnic community, slightly more than moderately with the State and very little with the EU.
- The Roma in Sweden tend to identify themselves moderately with their ethnic group, little with the State and quite a lot with the EU.

Overall, traditional national minorities seem to have a higher group consciousness than the transnational Roma minorities in both countries, which may be due to their strongly local concentration.

Conversely, the feeling of belonging to the EU appears to be quite stronger in the case

of Roma. One reason could be sought in the fact that localistic feelings prevail in the traditional national minorities, which feel also quite attached to their home town.

Moreover, the feeling of belonging to the State appears to be stronger in Slovenia than in Sweden, both in the case of Hungarians and Roma: this may be due to an historical fact, since the tradition of minority protection is older in this country, in spite of human rights' tradition being older in Sweden.

Also the attachment to the city of residence appears to be stronger in Slovenia and this may be explained by the fact that Sweden experiences a much vaster mobility than Slovenia does, and by the fact that Roma in Sweden are not divided into autochthonous and non autochthonous ones.

From that which emerges from the analysis, we can state that there is no explicit tie between the feeling of protection of the minorities and their attachment to the host State or their attachment to the European Union.

By contrast, there seems to be a **positive correlation between the sense of belonging to their own ethnic group and the feeling of protection.**

## **6.6 – Final evaluation**

A global evaluation of minority rights will be exposed in the conclusions, by comparing the theoretical 'results' (evaluated protection) with the empirical ones (perceived protection) obtained from the questionnaires.

The emerged discrepancies will be underlined and some possible interpretation will be pointed out in the light of that which has been found out and described so far.

## CONCLUSIONS

In chapter 5.1.10 we had tried to assess, at theoretical level, the degree of minority protection in both countries of Slovenia and Sweden, taking into consideration every single field and every single minority.

At the light of results emerged from the questionnaires, we will try now to readjust that evaluation for the minorities taken into consideration in the survey (Roma and Hungarians for Slovenia; Roma and Tornedalen Finns for Sweden).

The following tables present the level of protection in the different fields, as resulting from the survey conducted through questionnaires (where 1= poor and 5= excellent).

**Table n. 45: perceived level of protection in the different fields (Slovenia)**

<b>Slovenia</b>	
<b>Education</b> Hungarians Roma	 3.2 3.1
<b>Use of language</b> Hungarians Roma	 3.1 2.5
<b>Political participation</b> Hungarians Roma	 3.3 2.5

<b>Information and the media</b> Hungarians Roma	3.6 2.9
<b>Cultural life</b> Hungarians Roma	3.7 3.3
<b>Cross – border cooperation</b> Hungarians Roma	3.6 2.6

**Table n. 46: perceived level of protection in the different fields (Sweden)**

Sweden	
<b>Education</b> Tornedalians Roma	2.6 2.6
<b>Use of language</b> Tornedalians Roma	2.9 2.0
<b>Political participation</b> Tornedalians Roma	2.4 2.1



<b>Information and the media</b> Tornedalians Roma	2.6 2.9
<b>Cultural life</b> Tornedalians Roma	2.6 3.3
<b>Cross – border cooperation</b> Tornedalians Roma	2.6 2.6

**Table n. 47: average of perceived protection in Slovenia**

<b>Slovenia</b>		
	<b>Evaluated protection</b>	<b>Perceived protection</b>
<b>Hungarians</b>	<b>4.5</b>	<b>3.4</b>
<b>Roma</b>	<b>2.1</b>	<b>2.8</b>

**Table n. 48: average of perceived protection in Sweden**

<b>Sweden</b>		
	<b>Evaluated protection</b>	<b>Perceived protection</b>
<b>Tornedalen Finns</b>	<b>3.6</b>	<b>2.6</b>
<b>Roma</b>	<b>1.7</b>	<b>2.5</b>

By comparing these scores with the ones given in the theoretical part, it is worth underlying some points:

- The evaluation given by Hungarians field by field partly differs from the theoretical evaluation regarding their protection: all fields are considered as good, whereas from the theoretical point of view they were deemed to be from very good to excellent.
- Perceived protection is also significantly lower than evaluated protection in the case of Tornedalen Finns: they judge all fields of protection between fair and good, including cross- border cooperation which was deemed, at the theoretical level, to be excellent.
- By contrast, the scores given by Roma are overall slightly more generous than the ones given at theoretical part: in both countries, for example, the education system is considered to be more than fair and the media minority system as good, in spite of the scarcity of legal provisions.

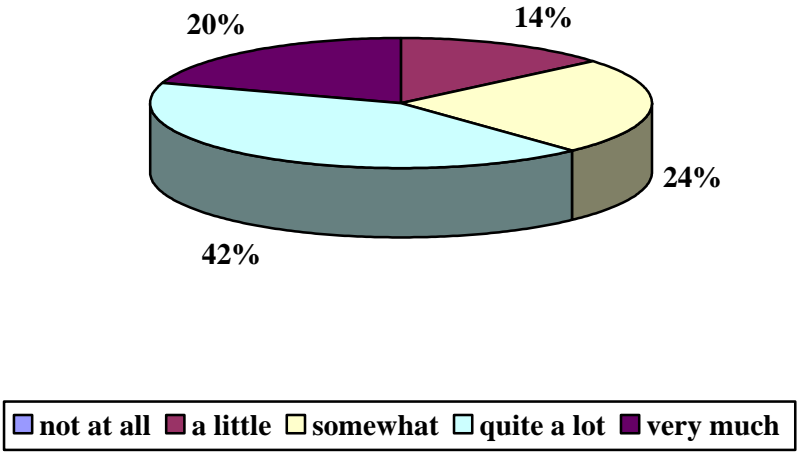
The small scale survey carried out among the above mentioned minorities seems to suggest that the statement according to which both countries have a relatively good protection system has to be further specified: even though the overall protection appears as sufficient, the analysed national minorities seem not to be quite satisfied of the implementation of their minority rights.

By contrast, Roma in both countries, in spite of having lower scores both at the theoretical and at the empirical level, seem to be relatively more satisfied about their rights. This may be due to the fact that national minorities are more conscious about the rights they *should* enjoy as historical minorities; whilst the Roma, although not being very satisfied about their condition either, consider the newly introduced laws and acts in their favour as an important progress.

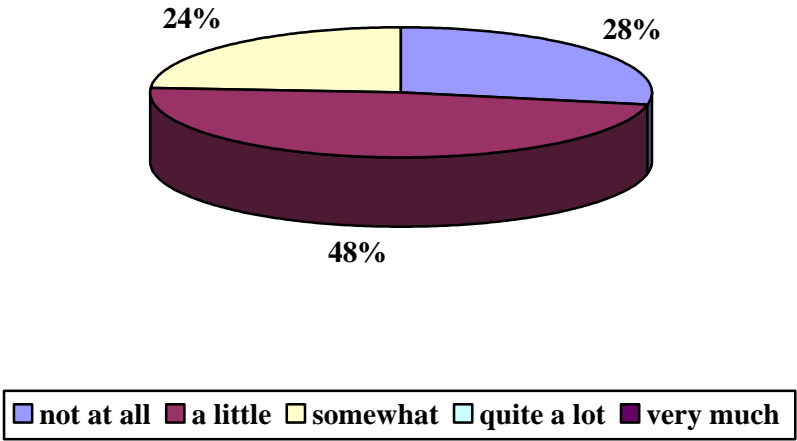
The research hypothesis has to be circumscribed even more in the light of the last question proposed in the questionnaires, asking how much one feels protected as a member of his/her own minority and therefore aiming to investigate more specifically the overall feeling of the person.

The following graphs present the general feeling of protection of the different minorities.

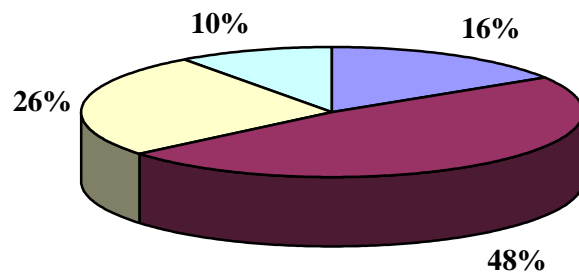
**Graph n.77: feeling of protection (Hungarians in Slovenia)**



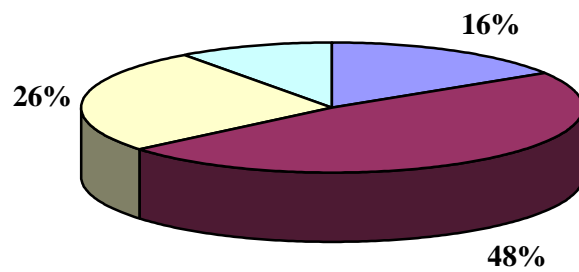
**Graph n.78: feeling of protection (Roma in Sweden)**



**Graph n.79: feeling of protection (Tornedalen Finns in Sweden)**



**Graph n.80: feeling of protection (Roma in Slovenia)**



If we take into consideration this question, scores of perceived protection would be even lower than the ones presented in tables n. 47 and 48, with the only exception of Hungarians who are confirmed approximately the same score.

If the minorities taken into consideration give positive evaluation regarding certain fields of protection, the overall feeling of protection is not purely given by the sum of such fields but obviously include discretionary elements which are more closely linked with a social dimension including the relationship with the majority, the status within the society, the perceived attention and importance given the minority issues by behalf of State policies.

This appears particularly true of Roma, whose overall feeling of protection is very low (Sweden) or rather low (Slovenia).

The main research hypothesis of this work was that both Slovenia and Sweden chose a successful and effective model of minority protection. This statement was to be assessed, on the one hand, through the analysis of specific minority policies and, on the other, through the collection of opinions and feeling by behalf of minorities' members.

The analysis of existing standards show that both countries have a relatively good protection system, although significant differences can be noticed amongst different fields and, to some extent, amongst different national minorities; to this regards, we have tried to assess the level of protection for each minority within the two countries, giving an evaluation for each single field with a score ranging from 0 (poor) to 5 (excellent).

The evaluation was drawn on the basis of existing laws, degree of application, State reports, relevant literature and discussions with experts. Nevertheless, notwithstanding the in depth analysis, it does not demand to have scientific accuracy due to the too many variables to take into consideration for every single field, but constitutes only a general orientation with regard to the interpretation of minority protection.

After having analysed the questionnaires, the statement that both countries have a relatively good protection system has to be further specified and circumscribed even more: minorities evaluate positively certain fields but surprisingly (of course with many differences among the various groups), when asked explicitly how much protected they feel as a minority, answers are less flattering: in certain sectors they feel indeed excluded from the majority society.

The initial research hypothesis appears therefore to be **only partly confirmed**: from the analysis results the emergence of a hierarchic model with regard to the treatment of national minorities, which is likely to create new boundaries and tensions among the various national minorities, the national minorities and other minorities which did not receive

recognition and different subgroups of the same minority.

## APPENDICES

### APPENDIX 1

#### QUESTIONNAIRE IN ENGLISH LANGUAGE

---



#### **International University Institute for European Studies**

##### Consortium

University of Trieste - University of Udine – University of Klagenfurt - University MGIMO of Moscow – University of Nova Gorica - University Jagiellonica of Krakow - University Eotvos Lorand of Budapest - University Babes-Bolyai of Cluj-Napoca - University Comenius of Bratislava – Institute of International Sociology of Gorizia.

*In the framework of the PhD program at IUIES - International University Institute for European Studies, Gorizia (Italy), I am carrying out a research whose aim is to understand the perception of the protection of national minorities by members of the minorities themselves.*

*I kindly ask you to cooperate to the good outcome of the research by answering the questions of this questionnaire with attention and sincerity. The questionnaire is anonymous and will be used exclusively for research purposes. Thank you for your collaboration.*

***To compile: place an X in the box beside the appropriate answer or follow the indications inserted in the text.***

Quest. n. \_ \_ \_

1) You are      ☐ Male      ☐ Female

2) How old are you? \_\_\_\_\_

3) What is your education level?

- ☐ Primary School
 ☐ Bachelor's Degree  
☐ Middle School
 ☐ Master's Degree  
☐ Upper Secondary School
 ☐ Ph.D.

4) To which extent do you feel tied to each of these communities of reference?

	Not at all				A lot
My ethnic community	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
My home town	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
The city where I reside	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
The State where I live	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
The European Union	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

5) Compared to the majority, do you consider that you ethnic community enjoys:

- ☐ Lesser rights
 ☐ Equal rights
 ☐ More rights

6) Compared to the other minorities, do you consider that your ethnic community enjoys:

	Lesser rights	Equal rights	More rights
Compared to the Hungarian national minority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compared to the Roma community	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Compared to _____ (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7) According to you, are there laws protecting the minority communities in the country where you live?

- ☐ Yes
 ☐ No
 ☐ I do not know

8) How much do you feel protected in each of these fields as a member of a national community?

	Not at all				A lot
Education	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
Use of the minority language	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
Political participation	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
Cultural life	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
Information and the media	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
Cross – border cooperation	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5



9) Do you have a bilingual education?

- ☐ Yes  
☐ No (Go to question n. 11)

10) Did you receive your bilingual education:

- ☐ In the family      ☐ At school

11) Which languages and dialects do you know?

		A little				A lot	
LANGUAGE							
_____	Understanding	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Speaking	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Reading	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Writing	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
_____	Understanding	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Speaking	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Reading	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Writing	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
_____	Understanding	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Speaking	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Reading	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Writing	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
_____	Understanding	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Speaking	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Reading	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Writing	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
DIALECT							
_____		<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
_____		<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	

12) How much do you use your minority language in the daily life in the country where you live?

- Not at all      A lot  
☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

13) Are you free to use your minority language in your contacts with public administration?

Not at all- A lot  
☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

14) Do you consider that your minority is well politically represented at the national level?

Not at all A lot  
☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

15) Does your minority community has decisional power on the matters affecting the minority?

Not at all- A lot  
☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

16) To which extent do you consider that your minority enjoys political autonomy?

Not at all- A lot  
☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

17) Do you consider that your community is involved in cross – border cooperation programmes?

Not at all A lot  
☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

18) Do you think that the national legislation preserves and promotes your original culture?

Not at all A lot  
☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

19) Do you read the newspapers / magazines of your minority?

Not at all A lot  
☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

20) Do you follow radio / TV programmes in your minority language?

Not at all- A lot  
☐ 1    ☐ 2    ☐ 3    ☐ 4    ☐ 5

21) Do you think that the issue of the national minorities in your country is considered?

Not at all A lot  
☐ 1    ☐ 2    ☐ 3    ☐ 4    ☐ 5

22) Do you feel protected as a member of a national community?

Not at all A lot  
☐ 1    ☐ 2    ☐ 3    ☐ 4    ☐ 5

23) On a scale of 1 to 5, where would you place the position of your minority in reference to the following issues?

Paritarian to the majority	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	Subordinate to the majority
Integrated into the majority society	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	Isolated from the majority society
Well treated	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	Maltreated
Protected	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	Neglected
Cohesive with the majority society	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	Segregated from the majority society

24) In your own words, how would you describe the current situation of your minority?

---



---



---



---



---

## APPENDIX 2

### QUESTIONNAIRE IN HUNGARIAN LANGUAGE

---



#### EURÓPAI TANULMÁNYOK NEMZETKÖZI EGYETEMI INTÉZETE

##### Consortium

Trieszti Egyetem – Udinei Egyetem – Klegensfurti Egyetem – Moszkvai MGIMO Egyetem – Nova Gorizia –i Egyetem – Krakói Jagelló Egyetem – Budapesti Eötvös Lóránd Tudomány Egyetem – Kolozsvár – Napocai – Bölgyi Egyetem – Bratislavai Comenius Egyetem – Goriziai Nemzetközi Sociológiai Intézet

*Egy, a Gorizia város (Olaszország) Európai Tanulmányok Nemzetközi Egyetemi Intézete doktorátusi programja keretében egy olyan tanulmányt végzek, aminek célja annak megértése, hogy maguk a kisebbségek milyen módon érzékelik önmagukat és védettségüket egy országon belül.*

*Kérem, őszintén és figyelmesen válaszoljon az alábbi kérdésekre a tanulmány helyes eredménye végett. A kérdőív névtelen és kifejezetten tanulmányi célokhoz szükséges.*

*Köszönöm szíves együttműködését.*

***Kitöltés: tegyen egy keresztet a helyesnek érzett válaszhoz vagy kövesse a szövegben található útmutatót.***

Kérdőív n' : .....\_

1) Ön ☐ Férfi ? ☐ Nő ?

2) Hány éves Ön ? \_\_\_\_\_

3) Milyen iskolai végzettsége van ?

☐ Általános iskola

☐ Közép iskola

☐ Felsőfokú

☐ Diploma (3/4 éves)

☐ Szakdiploma

☐ Doktorátus

4) Milyen mértékben érez kötődést az alábbi közösségekhez ?

	Egyáltalán nem				Nagyon			
Saját etnikai közösségem	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5			
Szülvárosom	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5			
A város, ahol élek	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5			
Az ország, ahol élek	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5			
Az Európai Unió	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5			

5) A többséghez hasonlítva m i l y e n az Ön kisebbségi közössége jogélvezete ?

☐ Kisebb ☐ Egyforma ☐ Jobb

6) Más kisebbségekhez hasonlítva, milyen az Ön közössége jogélvezete ?

	Kisebb	Egyforma	Jobb
A Olasz kisebbséghez hasonlítva	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
A Roma közösséghez hasonlítva	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
.....Hasonlítva ( megnevezni )	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7) Ön szerint léteznek törvények - abban az országban, ahol él – amelyek védik a kisebbségeket?

☐ Igen ☐ Nem ☐ Nem tudom

8) Milyen mértékben érzi Ön magát védve az alábbi területeken mint egy kisebbség tagja?

	Egyáltalán nem				Nagyon			
Oktatás	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5			
A kisebbségi nyelv használat	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5			
Politikában való részvétel	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5			
Kulturális élet	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5			
Információk és sajtó	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5			

Határmenti kooperáció	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
-----------------------	----------------------------	----------------------------	----------------------------	----------------------------	----------------------------

9) Kètnyelvü neveltetésben részesült?

- ☐ Igen  
☐ Nem (Menjen a n. 11 pontra)

10) Kètnyelvü neveltetését hol kapta ?

- ☐ a csalàdban ☐ az iskolàban

11) Milyen nyelveken beszél Ön; milyen nyelvjàràsokat ismer?

NYELV		kicsit				jòl		
_____	Értés	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5		
	Beszéd	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5		
	Olvasàs	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5		
	Iràs	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5		
_____	Értés	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5		
	Beszéd	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5		
	Olvasàs	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5		
	Iràs	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5		
_____	Értés	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5		
	Beszéd	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5		
	Olvasàs	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5		
	Iràs	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5		
_____	Értés	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5		
	Beszéd	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5		
	Olvasàs	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5		
	Iràs	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5		
NYELVJÁRÁS								

_____	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
_____	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

12) Mennyire használja kisebbségi nyelvét a mindennapi életben abban az országban, ahol él?

Nem használok					Sokat használok
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	

13) Használhatja kisebbségi nyelvét a hivatalokban?

Nem					Igen/ sokat
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	

14) Véleménye szerint az Ön nemzeti kisebbsége megfelelően van képviselve politikailag országos szinten?

Nem					Igen/ sokat
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	

15) Az Ön nemzeti kisebbségeinek van döntési hatalma a kisebbségüket érintő kérdésekben?

Nem					Igen/ sokat
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	

16) Véleménye szerint nemzeti kisebbsége mennyire élvez politikai függetlenséget?

Nem	Igen/
-----	-------

sokat

☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

17) Véleménye szerint nemzeti kisebbsége részese határmenti kooperációnak a Magyarország?

Nem

Igen/  
sokat

☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

18) Véleménye szerint a nemzeti törvényhozás védi és támogatja az Ön kultúráját?

Nem

Igen/  
sokat

☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

19) Olvas Ön nemzeti kisebbségi nyelvén újságokat, folyóiratokat?

Nem

Igen/  
sokat

☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

20) Néz Ön Tv műsorokat /hallgat Ön rádiót kisebbségi nyelvén ?

Nem

Igen/  
sokat

☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

21) Véleménye szerint az Ön országában a kisebbségek sorsával foglalkozik a közvélemény?

Nem

Igen/  
sokat

☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5



22) Védve érzi Ön magát mint egy országos közösség tagja?

Nem  
☐ 1      ☐ 2      ☐ 3      ☐ 4      Igen/  
    sokat  
    ☐ 5

23) Az alábbi meghatározásokhoz képest – egy 1-től 5-ig terjedő skálán - hova helyezné Ön nemzeti kisebbségét?

Egyenjogú a többséghez viszonyítva	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	Alárendelt a többségnek
Integrálódott a többségi társadalomba	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	Elszigetelt a többségi társadalomhoz képest
Jó elbánásban részesül	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	Rossz elbánásban részesül
Védett	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	Elhanyagolt
Együttélő a többségi társadalommal	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	Elzárkózott a többségi társadalommal szemben

24) Saját szavaival hogyan írná le Ön nemzeti kisebbsége jelenlegi helyzetét ?

---



---



---



---



---

## APPENDIX 3

### QUESTIONNAIRE IN SLOVENELANGUAGE

---



#### International University Institute for European Studies

##### Consortium

University of Trieste - University of Udine – University of Klagenfurt - University MGIMO of Moscow – University of Nova Gorica - University Jagiellonica of Krakow - University Eotvos Lorand of Budapest - University Babes-Bolyai of Cluj-Napoca - University Comenius of Bratislava – Institute of International Sociology of Gorizia.

*V okviru programa doktorskega študija na IUIES – International University Institute for European Studies, Gorica (Italija)- se lotevam raziskave, katere cilj je spoznati mnenje pripadnikov manjšin o zaščiti narodnih manjšin. Prosim vas, da z odgovori na nekaj vprašanj pripomorete k uspehu raziskave. Odgovori na vprašalnik bodo ostali anonimni in bodo uporabljeni zgolj za namene raziskave. Vnaprej hvala za sodelovanje.*

**Opomba: pri izpolnjevanju vprašalnika prekrižajte (X) kvadrat pred ustreznim odgovorom ali upoštevajte morebitno dodatno navodilo.**

Vpraš. št. \_ \_ \_

1) Ste ☐ Moški ☐ Ženska

2) Koliko ste stari? \_\_\_\_\_

3) Kakšna je dosežena stopnja vaše izobrazbe?

- |                                       |  |
|---------------------------------------|--|
| <input type="checkbox"/> Osnovna šola | <input type="checkbox"/> Univerzitetna diploma |
| <input type="checkbox"/> Srednja šola | <input type="checkbox"/> Magisterij            |
| <input type="checkbox"/> Višja šola   | <input type="checkbox"/> Doktorat              |

4) V kolikšni meri se čutite povezani z vsako od navedenih skupnosti?

	Sploh ne				Zelo
Moja narodna skupnost	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
Moje rojstno mesto	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
Kraj bivanja	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
Država, v kateri živim	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
Evropska unija	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

9) Ali po vašem mnenju vaša narodna skupnost v primerjavi z večinskim prebivalstvom uživa:

☐ Manj pravic      ☐ Enako pravic      ☐ Več pravic

10) Ali v primerjavi z drugimi manjšinami vaša narodna skupnost uživa

	Manj pravic	Enako pravic	Več pravic
V primerjavi z madžarsko manjšino	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
V primerjavi z italijansko manjšino	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v primerjavi z _____ (opredelite)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11) Ali po vašem mnenju v državi, v kateri živite, obstaja jo zakoni, ki ščitijo narodne manjšine?

☐ Da      ☐ Ne      ☐ Ne vem

12) Koliko se kot pripadnik vaše manjšine čutite zaščiteni na vsakem od navedenih področij?

	Sploh ne				Zelo
Izobraževanje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
Uporaba jezika manjšine	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
Politična udeležnost	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
Kulturno življenje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
Informiranje in mediji	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
Čezmejno sodelovanje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

9) Ali imate možnost dvojezičnega šolanja?

- ☐ Da
- ☐ Ne (Pojdite na vprašanje št. 11)

10) Ste imeli svoje dvojezično šolanje:

- ☐ V družini                      ☐ V šoli

11) Kateri jezik ali dialekt znate?

		Slabo				Dobro
JEZIK		<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
	Razumevanje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
	Govorjenje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
	Branje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
	Pisanje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
	Razumevanje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
	Govorjenje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
	Branje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
	Pisanje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
	Razumevanje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
	Govorjenje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
	Branje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
	Pisanje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
	Razumevanje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
	Govorjenje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
	Branje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
	Pisanje	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
NAREČJE						
		<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
		<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

12) Koliko uporabljate jezik svoje manjšine v vsakodnevnem življenju?

- Sploh ne ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 Zelo

13) Ali lahko uporabljate jezik svoje manjšine v stikih z javno upravo?

Sploh ne- Zelo  
☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

14) Menite, da je vaša manjšina politično dobro zastopana na nacionalni ravni?

Sploh ne Zelo  
☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

15) Ali vaša manjšinska skupnost ima moč odločanja o zadevah v zvezi z manjšino?

Sploh ne- Zelo  
☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

16) Koliko politične avtonomije po vašem mnenju uživa vaša manjšina?

Sploh nič Veliko  
☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

17) Koliko je vaša skupnost vključena v programe čezmejnega sodelovanja?

Sploh nič Zelo  
☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

18) Menite, da nacionalna zakonodaja ohranja in spodbuja vašo izvirno kulturo?

Sploh ne Zelo  
☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

19) Berete časopise/revije vaše manjšine?

Sploh ne Zelo  
☐ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5

20) Ali spremljate radijske/TV programe v jeziku vaše manjšine?

Sploh ne- Zelo  
☐ 1    ☐ 2    ☐ 3    ☐ 4    ☐ 5

21) Ali menite, da se vprašanje vaše narodne manjšine v vaši državi upošteva?

Sploh ne Zelo  
☐ 1    ☐ 2    ☐ 3    ☐ 4    ☐ 5

22) Ali se čutite zaščitenega kot pripadnik vaše manjšine?

Sploh ne Zelo  
☐ 1    ☐ 2    ☐ 3    ☐ 4    ☐ 5

23) Kako bi na lestvici od 1 do 5 ocenili položaj vaše manjšine glede naslednjih zadev?

Partnerski odnos z večino	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	Podrejenost večini
Integriranost v večinsko družbo	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	Izoliranost od večinske družbe
Dobro ravnanje z manjšino	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	Slabo ravnanje z manjšino
Zaščiteni	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	Zanemarjena
Povezana z večinsko družbo	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	Ločena od večinske družbe

25) Kako bi s svojimi besedami opisali trenutno stanje vaše manjšine?

---



---



---



---



---

## APPENDIX 4

### QUESTIONNAIRE IN SWEDISH LANGUAGE

---



#### International University Institute for European Studies

##### Consortium

University of Trieste - University of Udine – University of Klagenfurt - University MGIMO of Moscow – University of Nova Gorica - University Jagiellonica of Krakow - University Eotvos Lorand of Budapest - University Babes-Bolyai of Cluj-Napoca - University Comenius of Bratislava – Institute of International Sociology of Gorizia.

*Inom ramen för doktorsexamens programmet på IUIES - International University Institute for European Studies, Gorizia (Italien) genomför jag ett forskningsprojekt vars syfte är att förstå synen på skydd av nationella minoriteter från medlemmarnas perspektiv. Jag ber er att samarbeta för det goda resultatet av den här forskning genom att besvara frågorna i denna enkät med uppmärksamhet och uppmärksamhet.*

*Enkäten är anonym och kommer att användas uteslutande för forskningsändamål. Tack för ert samarbete!*

***Att sammanställa: sätt ett X i rutan bredvid lämpligt svar eller följ anvisningarna som infogas i texten.***

Frågef.n. \_ \_ \_

1) Du är ☐ man / ☐ kvinna ?

2) Hur gammal är du? \_\_\_\_\_

3) Vad är din utbildningsnivå?

- |  |   |
|--|---|
| <input type="checkbox"/> grundskola            | <input type="checkbox"/> kandidatexamen |
| <input type="checkbox"/> grundskolanhögstadium | <input type="checkbox"/> magisterexamen |
| <input type="checkbox"/> gymnasiet             | <input type="checkbox"/> doktorsexamen  |

4) Till vilken utsträckning identifierar du dig med någon av dessa samhällen?

	Inte alls				Mycket
min etniska tillhörighet	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
min hemstad	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
staden där jag bor	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
den stat där jag bor	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
den E.U.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

13) Jämfört med majoriteten, anser du att din etniska tillhörighet har:

- ☐ mindre rättigheter   ☐ lika rättigheter   ☐ mer rättigheter

14) Jämfört med andra minoriteter, anser du att din etniska tillhörighet har:

	mindre rättigheter	lika rättigheter	mer rättigheter
Jämfört med den samiska nationella minoriteten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jämfört med den finska nationella minoriteten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jämfört med den tornedalska nationella minoriteten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jämfört med den judiska nationella minoriteten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jämfört med den romska nationella minoriteten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jämfört med _____ (specificera)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7 ) Enligt dig, finns det lagar som skyddar minoritetsgrupper i det land där du bor?

- ☐ Ja                      ☐ Nej                      ☐ Jag vet inte

8 ) Hur mycket skydd upplever du att du får som medlem av din nationella minoritet inom följande områden?

Inte alls	Mycket
-----------	--------



utbildning	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
användning av minoritetssprak	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
politisk deltagande	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
kulturliv	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
information och medier	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
gränsöverskridande samarbete	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

9) Har du en utbildning på ditt mådersmål?

- ☐ Ja  
☐ Nej (gå till fråga n.11)

10) Fick du din undervisning på ditt mådersmål:

- ☐ i familjen                      ☐ i skolan

11) Vilka språk och dialekter kan du?

SPRÅK		Lite				Mycket	
_____	Förstå	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Tala	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Lesa	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Skriva	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
_____	Förstå	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Tala	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Lesa	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Skriva	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
_____	Förstå	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Tala	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Lesa	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Skriva	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
_____	Förstå	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Tala	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Lesa	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
	Skriva	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
DIALEKT							
_____		<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	
_____		<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	

12) Hur mycket använder du ditt minoritetsspråk i det vardagliga livet i det land där du bor?

Inte alls					Mycket
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	

13) Kan du använda fritt ditt minoritetsspråk vid kontakt med den offentliga förvaltningen?

Inte alls					Mycket
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	

14) Anser du att din minoritet är väl representerad på nationell nivå?

Inte alls					Mycket
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	

15) Har din minoritet deltagande i beslutprocessen i frågor som berör den?

Inte alls					Mycket
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	

16) I vilken utsträckning anser du att din minoritet har politisk autonomi?

Inte alls					Mycket
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	

17) Anser du att din minoritet är involverat i gränsöverskridande samarbetsprogram?

Inte alls					Mycket
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	

18) Tror du att den nationella lagstiftningen bevarar och främjar den ursprungliga kulturen?

Inte alls					Mycket
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	

19) Läser du tidningar / tidskrifter i ditt minoritetsspråk?

Inte alls                      Mycket  
☐ 1        ☐ 2        ☐ 3        ☐ 4        ☐ 5

20) Följer du radio / TV program i ditt minoritetsspråk?

Inte alls                      Mycket  
☐ 1        ☐ 2        ☐ 3        ☐ 4        ☐ 5

21) Tycker du att frågan om nationella minoriteter i ditt land prioriteras?

Inte alls                      Mycket  
☐ 1        ☐ 2        ☐ 3        ☐ 4        ☐ 5

22) Känner du dig skyddad som medlem av din minoriteten?

Inte alls                      Mycket  
☐ 1        ☐ 2        ☐ 3        ☐ 4        ☐ 5

23) På en skala från 1 till 5, hur skulle du placera position för din minoritet i förhållande till följande frågor?

Jämlika med majoriteten	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	underordnad majoriteten
integrerat med majoritetssamhället	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	isolerade från majoritetssamhället
väl behandlade	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	kränkt
skyddade	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	försummade
sammanhängande med	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5	segregerade från majoritetssamhället

majoritetssamhället						
---------------------	--	--	--	--	--	--

24) Med egna ord, hur skulle du definiera den nuvarande situation för din minoritet?

---



---



---



---



---



---

**APPENDIX 5**  
**EXAMPLE OF COVER LETTER**

---

Sigrid Lipott  
Viale Miramare 93  
34136 Trieste, Italia  
E- mail: sigridlipott@hotmail.com  
Tel.: +39 340 8739488 / +39 040 44927

Trieste, 20th February 2011

**Re: presentation of PhD research**

Dear Sir, Madam,

In the framework of the PhD program at IUIES - International University Institute for European Studies, Gorizia (Italy), I am carrying out a research whose aim is to understand the practice of minority protection in your country. The information will be compiled through the use of different methods, such as the analysis of existing literature, legislation and relevant studies.

The questionnaire constitutes a fundamental part of the research and its aim is to understand the perception of the protection of the \_\_\_\_\_ minority by the members of the community.

The questionnaire is anonymous and will be used exclusively for research purposes. Data will be used only in aggregated form and no question contains information which could identify you. The survey will be carried out through the snowball method.

I kindly ask you to cooperate to the good outcome of the research by answering the questions of this questionnaire with attention and sincerity. The survey is composed of 24 structured questions.

Thank you in advance for your time and collaboration.

Yours sincerely,

Sigrid Lipott

## **BIBLIOGRAPHY**

- M. Banks, *Ethnicity: Anthropological constructions*, Routledge, London and New York 1996.
- F. Barth, *Ethnic Groups and Boundaries: The Social Organization of Culture Difference*, Allen & Unwin, London 1969.
- C. Barborini, *Tesi di laurea: Società globale e relazioni transfrontaliere: il caso della Comunità di Lavoro Alpe Adria*, Trento 1996-1997.
- T. Benedikter, *Legal instruments of minority protection in Europe- an overview*, Eurac, Bozen 2006.
- L. Bregantini, *Osservatorio delle minoranze etniche europee*, ISIG, Gorizia 1997.
- S.E. Bucht, R. Ronkainen “Tornio – Haparanda: a unique result of city-twinning”. A position paper presented for the 4th NRF Open Meeting in Oulu, Finland and Luleå, Sweden, October 5-8, 2006.
- M. Bufon, *Confini, identità e integrazione*, ed. SLORI, Trieste 2002.
- F. Capotorti, *Étude des droits des personnes appartenant aux minorités ethniques, religieuses et linguistiques*, Doc. E/CN. 4/Sub. 2/1979/384, Publications des Nations Unies, Genève, 1979.
- CEI, *Minorities and the Central European Initiative*, Cei Executive Secretariat, Maribor 2004.
- Charter of Fundamental Rights of the European Union*, Office for Official Publications of the European Communities, Luxembourg 2001.
- Ciemen, *El dret a la diversitat lingüística*, Editorial Mediterrània, Barcelona.
- Council of Europe, *Filling the frame*, Council of Europe Publishing, Strasbourg 2004.
- G. Conetti, “International and transfrontier relations” in *ISIG Quarterly of International Sociology*, n. 3 / 4, year XIII, ISIG, Gorizia 2004.

Council of Europe, *Framework Convention for the Protection of National Minorities*: collected texts, Council of Europe, Strasbourg, 1999 and 2001.

J.K. Cowan, M.B. Dembour, R.A. Wilson, *Culture and Rights - Anthropological perspectives*, University Press, Cambridge 2001.

C. Decker, A. McGarry, *Enhancing minority governance in Romania: The Romanian Draft Law on the status of National Minorities: issues of definition, NGO status and cultural autonomy*, ECMI Report, European Centre for Minority Issues, Flensburg 2005.

Council of Europe, *European Charter for Regional or Minority Languages*, Strasbourg 1992.

E. Dingu Kyrklund, Inclusion and education in European countries, Final Report: 12. Sweden, INTMEAS Report 2009.

P. Eberhardt, *Ethnic groups and population changes in twentieth-century Central-Eastern Europe: history, data and analysis*, Armonk; London: M.E. Sharpe 2003.

T. Favoretto, E. Greco, *Confine riscoperto: beni degli esuli, minoranze e cooperazione economica nei rapporti dell'Italia con Slovenia e Croazia*, Franco Angeli, Milano 1997.

A. Gasparini, "Presentation" in *ISIG Quarterly of International Sociology*, n. 3/ 4, year XIII, Gorizia, ISIG, Gorizia 2004.

C. Geertz "The Politics of Meaning" in *The Interpretation of Cultures*, Basic Books, New York 1973.

A. Geddes, A. Favell, *Politics of belonging: migrants and minorities in contemporary Europe*, Ashgate, Aldershot 1999.

N. Glazer, D. Moynihan, *Ethnicity: Theory and Experience*, Harvard University Press, Cambridge 1976.

T. Gosselin, *Minority media in Hungary and Slovenia: a comparative assessment*, research paper presented for the Peace Institute Fellowship Program, Ljubljana 2003.

B. Guilleman, « Les fondements de l'éthologie collective: abstraits fondamentaux pour l'ethnopsychologie» , in *Ethnopsychologie*, n. 2-3, 1994.

L. Heininen, "Hapatornio- Twin Town", in *Baltic Region- Conflict and Co-operation. Road from the Past to the Future*, EuroUniversity, Estonia 2004.

G. Heraud, *L'Europe des ethnies*, Presses d'Europe, Paris 1963.

B. Jesih, V. Klemencic, V. Klopčič, et al., *Ethnic minorities in Slovenia*. Ljubljana, Institute for Ethnic Studies and Information Bureau - Government of the Republic of Slovenia, 1994.

H. Isaacs, *Idols of the Tribe: Group Identity and Political Change*, Harvard University Press, Cambridge 1975.

C. Keyes, "Towards a New Formulation of the Concept of Ethnic Group", *Ethnicity*, 1976, 3(3): 202:13.

K. Karppi, J. Eriksson, *Conflict and cooperation in the North*, Kulturgrans Norr, Norrlands universitetsforl, Umea 2002.

W. Kymlicka, *The Rights of Minority Cultures.*: Oxford University Press, Oxford, New York 1996.

M. Klemencic, J. Zupancic, "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, 2004.

V. Klopčič, J. Stergar, *Ethnic Minorities in Slovenia*, Ljubljana, Institute for Ethnic Studies, 1994.

H. Kloss, *Grundfragen der Ethnopolitik im 20 Jahrhundert*, Braunmuller, Wien 1969.

M. Komac, *Protection of the ethnic communities in the Republic of Slovenia*, Institute for Ethnic Studies, Ljubljana 1999.



M. Komac, "The protection of Ethnic Minorities in the Republic of Slovenia", in M. Polzer L. Kalcina. M. Zagar, *Slovenia and European Standards for the Protection of National Minorities*, Information and Documentation Centre on the Council of Europe, Institute for Ethnic Studies, Ljubljana, Österreichisches Ost- und Südosteuropa. Institut, Wien 2002.

S. Lipott, "The model of cross – border cooperation in the Torne Valley Region", in *Lex Localis – Journal of Local Self- Government*, vol.9, no. 3, Maribor 2011.

R. Medda- Windischer, *Old and new minorities: reconciling diversity and cohesion*, Nomos, Bozen 2008.

H. Miall, *Minority Rights in Europe: The Scope for a Transnational Regime*, Pinter Publishers, London 1994.

Miroglio, "La region ethnique", in *Revue de Psychologie des Peuples*, n. 4, 1969.

K. Myntti, J. Packer *The Protection of Ethnic and Linguistic Minorities in Europe*, Institute for Human Rights, Abo Academy University, Abo/Turku 1993.

E. Niemi, "The Finns in Northern Scandinavia and minority policy" in *Ethnicity and nation building in the Nordic world*, ed. S. Tägil, 145- 213, Hurst, London 1995.

S. Novak Lukanovic, *Manjšine in čezmejno sodelovanje v prostoru Alpe-Jadran*, Alpe-Adria Working Community, Trento 2005.

*Official Gazette of the Republic of Slovenia*, Ljubljana, years 1990 – 2001.

G. Pentassuglia, *Minorities in international law*, Council of Europe Publishing, Strasbourg 2002.

G. Pentassuglia, *Mechanisms for the implementation of minority rights*, Council of Europe Publishing, Strasbourg 2004.

C. Pan, B. Pfeil, *National Minorities in Europe*, Ethnos, Vienna 2003.

H. Pikkarainen, B. Brodin, *Discrimination of national minorities in the education system, Ombudsmannen mot etnisk diskriminering*, Stockholm 2008.

M. Predan, *CEI, Minorities and the Central European Initiative: on occasion of the 10<sup>th</sup> Anniversary of the Cei Instrument for the Protection of Minority Rights (1994-2004)*, CEI Executive Secretariat: Slovenian CEI Presidency, 2004.

Presstodsnamnden, *Minoriteternas medier: kartläggning och analys av situationen för medier som framst riktar sig till invandrare och nationella minoriteter i Sverige*, ElandersGotob, Stockholm 2002.

B. Rechel, *Minority rights in Central and Eastern Europe*, Routledge, London and New York 2009.

J. Rex, *Ethnic Minorities and the Modern Nation State*, London 1996.

H. I. Roth, "Multi - cultural Sweden", *The Swedish Success Story?*, ed. K. Almqvist & K. Glans, Preses Nams, Riga 2004.

R. Scartezzini, *Stati, nazioni, confini*, Carocci, Roma 2000.

J.B. Schechtman, *Postwar Populations Transfer in Europe*, University of Pennsylvania Press, Philadelphia 1962.

R.A. Schemerhorn, *Comparative Ethnic Relations- A Framework for Theory and Research*, Random House, New York 1970.

H. Schultz, "Città gemelle di confine: laboratori per l'integrazione europea", in *ISIG Quarterly of International Sociology*, n. 3 / 4, year XII, Gorizia: ISIG 2003.

A. Smith, *Nationalism and Modernism. A critical survey of recent theories of nations and nationalism*, Routledge, London and New York 2000.

E. Sussi, A. Boileau, R. Strassoldo, *Temi di Sociologia delle Relazioni Etniche*, ISIG 1992.

*Swedish Cultural Policy: A Brief Review of National Measures*, Swedish National Council for Cultural Affairs, Stockholm 1997.

*Swedish Cultural Policy*, The Swedish Institute, Stockholm 1998.

P. Thornberry, M. Amore Martin Estébanez, *Minority rights in Europe*, Council of Europe Publishing, Strasbourg 2004.

D. Türk, "Protection of minorities in Europe", in *Collected Courses of the Academy of European Law*, III, 2.

A. Versichtel, *The framework convention for the protection of national minorities: a useful pan-European instrument?* Intersentia, Antwerp 2008.

B. Vukas, *Complexity of the international protection of minorities* in *Studi di diritto internazionale in onore di Gaetano Arangio-Ruiz* 3, Editoriale scientifica, Napoli 2004.

C. Wagley, M. Harris, *Minorities in the New World*, Columbia University Press, 1958.

M. Weber, *Economy and Society* eds. Guenther Roth and Claus Wittich, trans. *Ephraim Fischhof*, vol. 2 Berkeley: University of California Press 1978.

M. Weller, D. Blacklock, K. Nobbs, *The protection of minorities in the wider Europe*, Palgrave Macmillan, Basingstoke 2008.

L. Wirth, "The Problem of Minority Groups", in R. Linton (eds), *The Science of Man in the World Crisis*, Columbia University Press, New York 1945.

*World Directory of Minorities*, Longman international reference, Minority Rights Group, Longman, 1990.

World congress of central and east european studies, *National identities and ethnic minorities in Eastern Europe: selected papers from the Fifth World congress of central and east european studies*, St. Martins press, New York 1998.

M. Zagar, *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*, ECMI, Flensburg 2006.

## **SITOGRAPHY**

<http://www.aebr.net>  
<http://aimpress.ch>  
<http://www.carlonordling.se>  
<http://www.cia.gov>  
<http://www.ciemen.org>  
<http://www.citytwins.net>  
<http://www.coe.int>  
<http://www.columbia.edu>  
<http://conventions.coe.int>  
<http://www.culturalpolicies.net>  
<http://www.do.se>  
<http://www.delmar.edu>  
<http://www.ec.europa.eu>  
<http://www.ecmi.de>  
<http://www.eliamep.gr>  
<http://www.epp.eurostat.ec.europa.eu>  
<http://www.errc.org>  
<http://www.eu.int>  
<http://www.eumap.org>  
<http://www.eur-lex.europa.eu>  
<http://www.eurac.edu>  
<http://www.euroalter.com>  
<http://gfvb.org>  
<http://www.eurolang.com>  
<http://www.euromanet.eu>  
<http://www.eurominority.eu>  
<http://www.everyculture.com>  
<http://www.fact-index.com>  
<http://www.fas.forskning.se>  
<http://www.fjallen.nu>

<http://www.finlandssvensk.org>  
<http://www.gfvb.it>  
<http://www.haparanda.se>  
<http://www.hsv.se>  
<http://www.humanrights.gov.se>  
<http://www.interculturaldialogue.eu>  
<http://www.internationallawonbserver.eu>  
<http://www.isig.it>  
<http://www.languagecharter.coe.int>  
<http://www.londonmet.ac.uk>  
<http://www.mercatorresearch.eu>  
<http://migpolgroup.com>  
<http://www.minorityrights.org>  
<http://www.nationmaster.com>  
<http://www.ohchr.org>  
<http://www.osce.org>  
<http://www.osi.hu>  
<http://www.princeton.edu>  
<http://www.regeringen.se>  
<http://www.riksdagen.se>  
<http://www.rskl.se>  
<http://www.romadelegationen.se>  
<http://www.romani.org>  
<http://www.sant.ox.ac.uk>  
<http://www.scb.se>  
<http://www.slovenia.si>  
<http://www.slovenia.info>  
<http://www.stat.si>  
<http://www.state.gov>  
<http://www.sweblul.se>  
<http://www.sweden.gov.se>  
<http://www.thelocal.se>  
<http://www.theslovenian.com>  
<http://www.tornio.fi>

<http://www.unhcr.org>  
<http://www.uvi.si/eng>  
<http://www.uvn.gov.si>  
<http://www.uoc.edu>  
<http://varuh.rs.si>  
<http://www.vlada.si>  
<http://www.wikipedia.org>  
<http://www.workpermit.com>





