

***HOW SLOVENIA IS DOING
ON HER WAY TO THE
EUROPEAN UNION***

***PROJECT:
THE CONSTITUTION***

APRIL 2003

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INTRODUCTION

When we gathered the project called The Constitution, we decided to work on problems as we see them. We took some points on our young country, its path through history and our negotiation to become a part of EU. We were also thinking of benefits of the membership and joining the EU.

One group did a research on Slovenian Parliament and its parties, with our special Youth Party of Slovenia.

The task of the third group was to Compare Slovenian, Italian, Finnish and European Constitutions. We discovered some similarities and also differences. Because we think the multicultural society and minorities would have problems in the future, we have done a research about what will happen with that problem, and how their rights are taken care of. Therefore we made an interview with a member of a minority in Austria.

THE EUROPEAN UNION AND THE SLOVENIAN CONSTITUTION

Slovenia is already grounded in the European area, not only geographically and historically, but also politically, economically and culturally. Upon gaining independence it has set itself a goal to become a democratic, social state upholding rule of law with an open market economy. These are also the values which the EU is based on.

Economy analyses have shown that the optimal long-term development of the Slovenian economy is linked to the membership in the EU. The aspiration for integration originates from close political, economic and cultural cooperation between Slovenia and the Union, and from Slovenia being a part of the European culture and civilization. The operational aim of Slovenia is therefore integration into the EU in the first round of enlargement. The document Accession Partnership that was published by the European Commission for all candidates in March 1998, before the start of the negotiations for full membership, defines the priorities of Slovenia and the funds we are to receive from the PHARE programme during the pre-accession process. The state program for the adoption of the European Union acquis by the end of 2002 has become the central document of Slovenia's approachment to the EU, because through this document the EU monitors the implementation of the Accession Partnership.

To enter the EU successfully, a constitutional amendment was adopted in Slovenia this year. To better understand the great importance of the new constitutional arrangement and to understand the need for its stability, we have to present a short history of the constitutional discontinuity that was characteristic of Slovenia in the past century. After the downfall of the Habsburg Monarchy (during the 1st World War) Slovenia joined the State of Slovenes, Croats and Serbs. Soon after the fusion with the Kingdom of Serbia and Monte Negro, the Kingdom of Serbs, Croats and Slovenes was established. After the Second World War Slovenia became a part of the socialist (communist) Yugoslavia, which meant that Slovenia's political and legal system was subordinate to Yugoslavia's for about 70 years until gaining independence.

The overview of the events that have effected the change of the Slovenian constitutional system and brought about independence of Slovenia should be started with the 57th issue of the Nova revija (New Magazine) in which »The contributions to the Slovenian national programme« were published in 1987. In April 1988, the Constitutional Commission of the Administrative Board of the Slovenian Writers' Association and the Working Group for the Constitutional development at the Slovene Sociological Association published a special »Material for the Slovenian Constitution« with the very important »Theses for the Constitution of Republic of Slovenia«, later also known as »The Constitution of Sociologists and Writers«. The Theses were basis for the constitutional text. On the 27th of September 1989, the Slovene Assembly adopted constitutional amendments IX to XC to the Constitution of SR of Slovenia from 1974. On the 16th of December 1989, the Presidency of the SR of Slovenia appointed a Group for the preparation of basis for a new constitution of the SR of Slovenia, and a new constitution of the SFR of Yugoslavia. Basis have certainly set the orientation into a new constitutional system. Its characteristics should be democracy and the rule of law, pluralism and equality of property, market economy etc. However these basis have not foreseen Slovenia as an independent state.

In April 1990 the politically stronger and more influential opposition published in its paper "The Democracy" (10.4.1990) "A working draft of the new Slovenian constitution". In the same month the first postwar democratic elections were carried out in Slovenia. Members of the electorate also chose the president of the Presidency of Slovenia at the same time. On the 25th of June the newly elected Presidency of the Republic of Slovenia formed a motion to begin the proceedings to pass a new Slovenian constitution (published in Delo, 3rd of July 1990). In the motion it was emphasized that Slovenia must constitute itself as

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an independent country, the coming constitution should form the fundamental attributes of a proper state and ensure all the needed mechanisms of a lawful and democratic country. On the 13th of June 1990 the Constitutional Commission of the Assembly of Republic of Slovenia was established with the priority task of preparing a motion for the new Slovenian constitution and present it to the assembly (its meetings??) for it to be accepted. On the 2nd of July 1990 the Slovenian assembly accepted the Declaration of Sovereignty of Republic of Slovenia. On July the 18th 1990 the Assembly of Republic of Slovenia accepted the Resolution of the beginning of the process to accept a new Constitution of Republic of Slovenia. In accordance with the resolution, the constitutional commission named a special group of experts from law which has in August-September 1990 formed a motion of a draft of the new Slovenian constitution. The text, shaped by a group of experts, was then reformed in same clauses by the Constitution committee, who then, on 12th October 1990, declared the draft of the constitution of the Republic of Slovenia and made it available for public discussion, together with an accompanying explanation. The public discussion of the constitution draft, beginning on 12th October 1990, was officially ended on 30th November 1990. The original aim of the political coalition for the Republic of Slovenia-to officially constitute a Slovenian constitution, was not realised by the end of 1990, resulting in Demos agreeing to an »alternative« solution, the plebiscite. A plebiscite took place on 13th December 1990, with 88,2% of the participants voting »for« an independent Slovenian state. On 5th October 1990 the assembly accepted the Constitutional Amendments XCVI. through XCVIII. to the Constitution of the Republic of Slovenia. On 22nd February, the XCIX. Amendment to the Constitution of the Republic of Slovenia was accepted, which we could also call the »Independence« Amendment, as it defined the constitutional basis for a completely sovereign handling of Slovenian internal and external affairs. On the same day, the Slovenian assembly accepted the Resolution of the proposal for the division of Yugoslavia with one accord. Slovenia was finally formed as a state with the acceptance of the Founding constitutional document of the independence of the Republic of Slovenia and the Constitutional law for the execution of the Founding constitutional document of the independence of the Republic of Slovenia, while also accepting the Declaration of independence (the three documents were accepted on 25th June 1991. On 4th December 1991 the Constitutional Committee defined the proposition of the Constitution of the Republic of Slovenia and the proposition of the Constitutional law. Both propositions were accepted on 23rd December 1991 by all three chambers of the Assembly of the Republic of Slovenia with (more than) two-thirds of all the members' votes and announced at a combined meeting the same day. On 27th February 2003 the National Parliament of the Republic of Slovenia accepted changes to the Constitution for a smoother inclusion of Slovenia in the EU.

Slovenia and the European union had been active commerce partners even back when Slovenia was still a federative unit of former Yugoslavia. Yugoslavia had come to several commerce agreements with the European Communities. The membership states of the EU officially recognised Slovenia on 15th January 1992 and initiated diplomatic relations with it on 13th April, the same year. Trade between Slovenia and the EU was organised on the basis of annual preferential trade agreements. Trade between Slovenia and the EU constantly increased and currently represents over two-thirds of the Slovenian trade flow. In 1992 Slovenia joined the Phare program, which was first intended for the support of privatisation and restructuring of companies. Later the program got expanded to other areas, such as the adjusting of the Slovenian legislation with the European legal order. In 1993 the Agreement of the cooperation between Slovenia and the EU became valid, resulting in the fulfilment of the formal conditions for tighter economic relations. The European agreement between the EU and Slovenia was signed on 10th June 1996 in Luxembourg, after both sides had reached an agreement on real-estate legislation. Annex number XIII of the European agreement between the EU and Slovenia, also named the Spanish compromise, allows citizens of the EU to purchase real-estate in Slovenia after at least three years of residing in Slovenia. In the ratification process of the European agreement between the EU and Slovenia a temporary agreement became valid on 1st January 1997, which included all the definitions of the European agreement, related to trade. At a session of the European council in Koebenhavn in 1993 the membership

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states of the EU agreed to allow the central- and east-European states with a joined member status to apply for membership in the EU, if they desire so.

Each candidate was called on to prepare a national programme for the acceptance of the European legal order (DP), in which the manner, human and financial sources and deadlines for the execution of primary tasks in the joining partnership were defined. Slovenia presented its first DP in May 1999. Slovenia had applied for membership in the Union on 10 June 1996, when it signed the European agreement. The European legal order (*acquis communautaire*) is divided into 31 chapters. The first step in joining negotiations was the review of the candidate states' legislation. The negotiations concern the adjusting of the candidate states' legislation with the European legal order and the ability of the candidates for the execution of the legal order in the state. At a session in Helsinki in 1999, the European council decided that the EU will accept decisions about its institutional reform by the end of year 2000 at a session of the European council in Nice in December 2000 and that the joining of new members will be possible onward from the end of 2002. On the side of the EU, the deal has to be ratified by the parliaments of all membership states; the European parliament must also give its approval. The ratification process is expected to last at least a year and a half.

The Slovenian government and parliament are bound to have a referendum after finished negotiations, where the Slovenian citizens can decide if Slovenia enters the EU. We decided for entry on 23rd March 2003 and Slovenia signed the joining deal in Athens on 16th April 2003. Slovenia will become a full-fledged member of the EU on May 1st, 2004.

After entering the Union, the currencies of the new membership states will become part of the exchange rate mechanism, where they have to participate for at least two years before the introduction of a common currency, proving currency stability. Slovenia will join the mechanism in 2005 and introduce the euro in 2007. Like all members, Slovenia will have to share the united budget of the EU. At the same time, Slovenia will be able to draw funds from trust intended for farming and country development, and a special development help. Slovenia will be a net recipient of funds from the EU budget until 2007. This means we will be receiving more money from the common budget than we will be providing, at least 250 million euro more over three years. Slovenia will also have to place the external European border on the border with Croatia, with the EU providing half the necessary funds. Within the day of joining the EU, Slovenia will have to at least partially enforce the Schengen legal order (united visa policy, external border control standards, fight against illegal immigration). Slovenians will still have to show a legal document for entry into Austria and Italy up to 2006, when the border control will be ended.

On the day of entry, Slovenian citizens will immediately be able to employ themselves in six countries of the Union – the Netherlands, Sweden, Denmark, Ireland, Great Britain and Greece. The Slovenian language will become one of the twenty official languages of the EU and will have an equal position as the other official languages. This means that Slovenian representatives in European institutions on meetings and sessions will speak Slovene and that all the legal documents will be translated into Slovene. Slovenians will also gain European citizenship, which does not replace the national, but instead supplements it. It guarantees citizens of the membership states additional rights, as every citizen of the membership state is at the same time a member of the EU and has rights to a free movement and residing within the borders of the membership states. Protecting national minorities is an agreement between states and with entry into the EU, the level of rights of Slovenian minorities in Austria and Italy will not change. With the unification of Europe, borders are decreasing in significance, improving the lives of minorities. If we think all is not as we thought it would be after entry into the EU, we still can resign from the Union. At the moment, debates about the possibility of resignation (being defined in the next Constitutional agreement of the EU) are taking place. Even though the European legislation doesn't yet define the possibility of resignation, it can still be done.

QUESTIONNAIRE

Description

For the international project, in which Gimnazija Bežigrad took part, we, students, decided to carry out a questionnaire among the inhabitants of the capital city of Slovenia - Ljubljana. The participants were from 12 to 80 years old and were chosen randomly. They were required to answer 8 given questions, 7 with already given answers and one without. All together we questioned 48 people and, based on their answers, reached the findings presented in the conclusion.

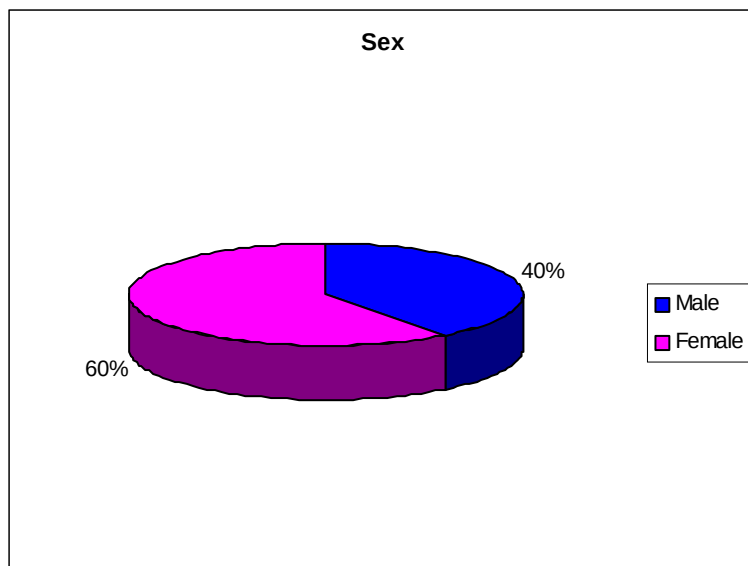
Analysis of the questionnaire

We divided this questionnaire into 10 categories and in each of them we asked the participants one question.

Sex

We interviewed 48 people, 19 of them were male and 29 were female. This is the result of the fact that women are more communicative and open to something new.

Men	19
Women	29
Together	48



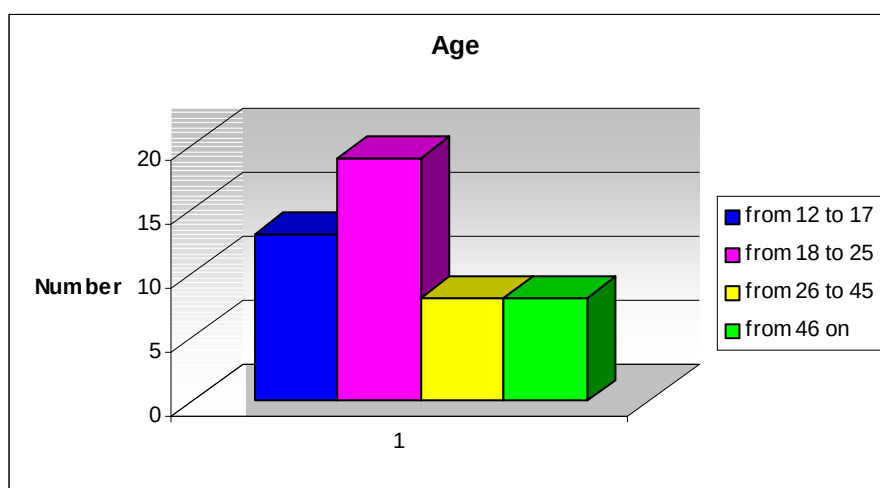
Age

We divided them into 4 categories, from 12 years to 17, 18 to 25, 26 to 45 and 46 and older.

12 to 17	13
18 to 25	19
26 to 45	8
46 +	8

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Together 48

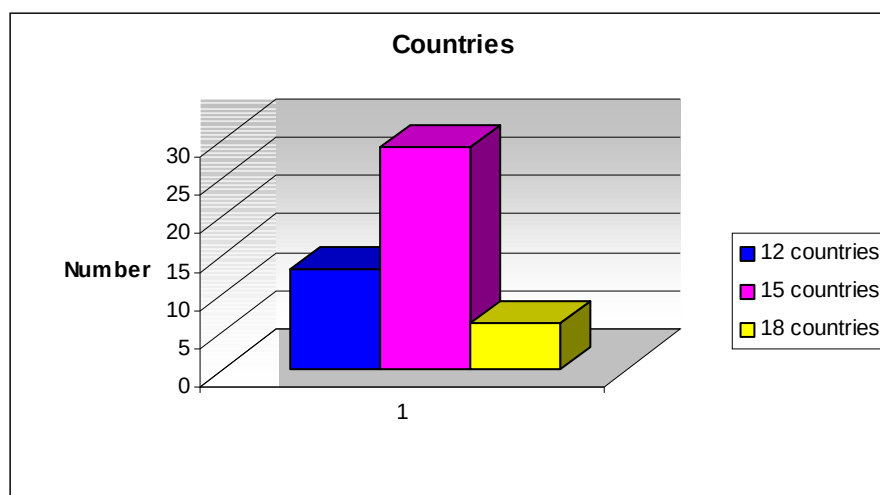


Question 1

Question: How many countries are there in the European Union?
 The first question had three answers for people to choose from.
 The answers were: 12 countries, 15 countries and 18 countries. The right answer is 15 countries. There were 29 correct answers at this question.

How many countries are there in the EU?

12 countries	13
15 countries	29
18 countries	6
Together	48



Question 2

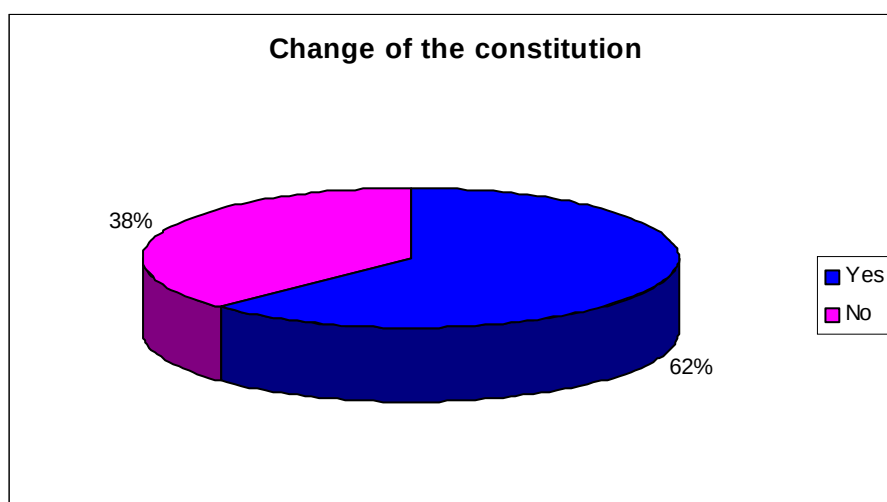
Question: Was it necessary to change the Slovenian constitution before going to the EU?
 The correct answer is yes, and 30 of the people were right.

Was it necessary for Slovenia to change its constitution before entering the EU?

Yes	30
No	18

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Together 48

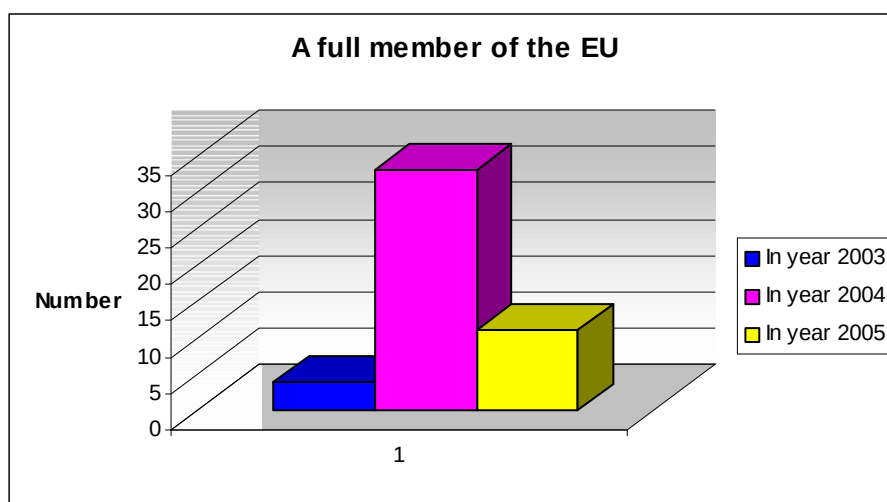


Question 3:

Question: When will Slovenia become a full member of EU if the referendum succeeds?
 There were three options to choose from:
 In year 2003, in year 2004 or in year 2005. The correct answer was in year 2004.

When will Slovenia become a full member of the EU if the referendum succeeds?

In year 2003	4
In year 2004	33
In year 2005	11
Together	48



Question 4

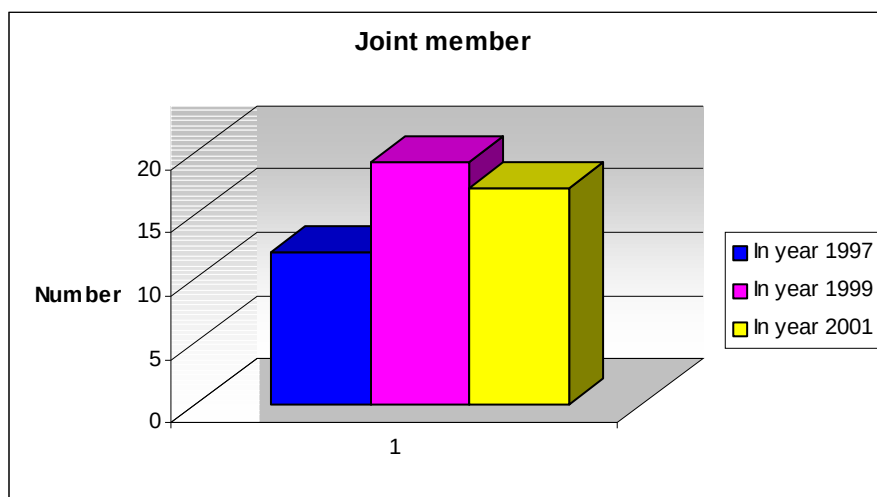
Question: In which year did Slovenia become a joint member of the EU?
 Possible answers were: in year 1997, in year 1999 or in year 2001. Only 19 people knew that the right answer is in year 1999.

In which year did Slovenia became a joint member of EU?

In year 1997	12
In year 1999	19

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In year 2001	17
Together	48



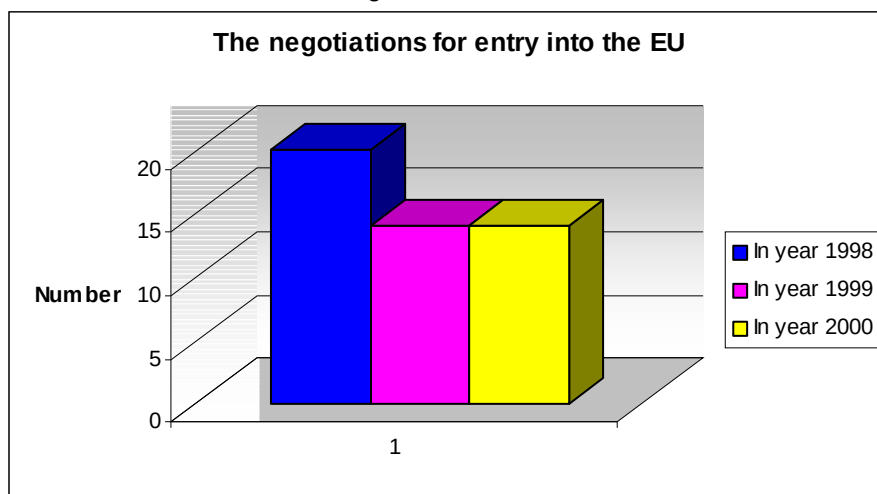
Question 5

Question: When did the negotiations for entry into the EU begin?

Possible answers were: in year 1998, in year 1999 and in year 2000. Again only 20 people knew that the right answer is in year 1998.

When did the negotiations for entry into the EU begin?

In year 1998	20
In year 1999	14
In year 2000	14
Together	48



Question 6

Question: When was the plebiscite for the Slovenian country held?

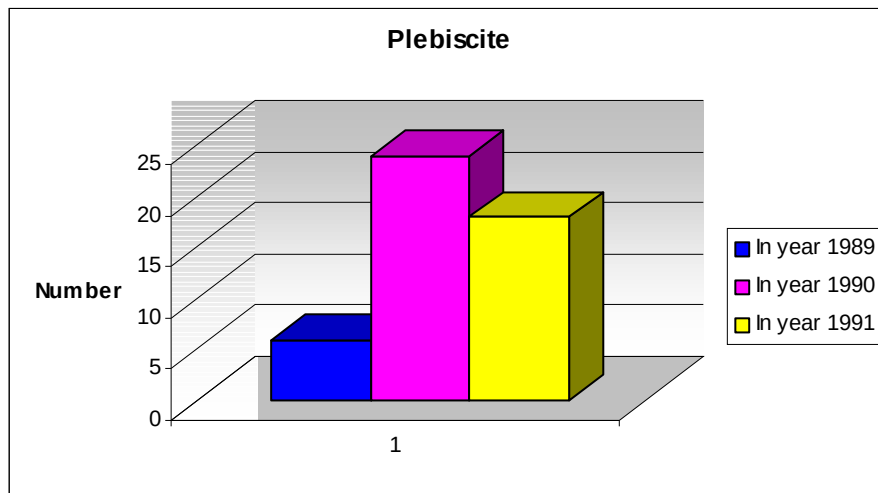
Answers: in year 1989, in year 1990 or in year 1991. The right answer is 1990 and only half of the questioned people knew it.

When was held the plebiscite for the Slovenian country?

In year 1989	6
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In year 1990	24
In year 1991	18
Together	48

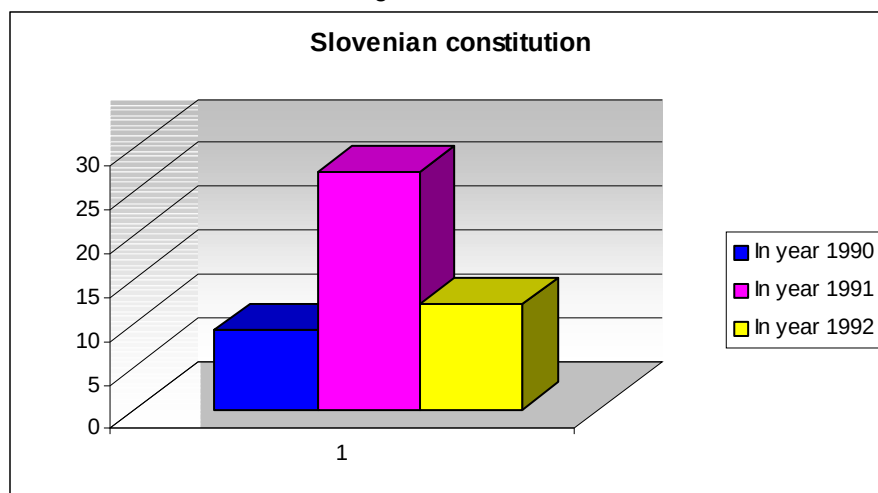


Question 7

Question: When was the constitution of the Slovenian Republic accepted?
Possible answers were: in year 1990, in year 1991 or in year 1992. 27 of all the people knew that the right answer is in year 1990.

When was accepted the constitution of the Slovenian Republic?

In year 1990	9
In year 1991	27
In year 1992	12
Together	48



Question 8

The final question in the survey, unlike the others, was not of multiple choice, so there were several different answers. The question was: What benefits will Slovenia receive after entering the EU?

Many of the participants of the questionnaire answered that there are no benefits to receive with the entry into the EU, only more troubles. The younger participants emphasized education in foreign countries, while the older ones chose to emphasize the development of the market, security, economy and aid to less developed regions in Slovenia. Some had no idea how to answer the question; others claimed that nothing is

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going to change. One participant even said he can hardly wait for us to enter the EU, so "the citizens of the Croatian Republic will stop ... with us".

Conclusion

We carried out the survey for the international project at Gimnazija Bežigrad. We were interested in the education of the Slovenian population about the Slovenian constitution and the European Union. Based on the questionnaire we found out that the Slovenians are well informed about the EU, even though there are many among us who confuse the European Union with NATO. Even though the Slovenians do not know many of the benefits we are supposed to receive, most of us have no idea of the history of our entry and/or the basic characteristics of the EU. There were even more problems concerning the Slovenian constitution, as, compared to the questions about the EU, there were fewer correct answers, which is a cause for concern for the Slovenian nation, as Slovenia is a young country and not that much time has gone by since we decided about it at the plebiscite. Summing up, we Slovenians know what we want, we are only interested in the future, while, day by day, we neglect our past more and more.

SLOVENIAN PARLIAMENT

Slovenia compared to the other European countries is still a young country and hasn't been independent that long. It has a democratic system, which resulted the forming of various political parties which in different ways try to work for the benefit of the people of Slovenia. Sometimes they do a good job, other times they fail. Political parties are groups of people who share the same opinion and political goals. Together they try to realize their wishes and goals. But every party needs the support of the people in order to have representatives in the parliament. The number of the votes also affects the numbers of the party's representatives in the parliament who will represent the interests of the political party they belong to.

The building in which our parliament is located was built in the year 1959. Later in the year 1991 they connected it with the building next to it in order to gain more space. The council of state and the National Parliament share their offices with various political parties and other groups of people that are needed in order for the system to function. The Big Hall in which the parliament holds its sessions has 150 seats. The hall was modified in the year 2000 with all the newest technologies in order to keep up with the flow of time. It is equipped with all the modern technology such as microphones with translating options, voting option and each seat even has its own connection for people to plug their laptops in. The overall look of the hall gives us an impression of a modern room. Before one enters the hall, he can look at the picture made by Slavo Pengov which depicts the history of Slovenia and its people from their earliest beginnings.



SLOVENIAN PARLIAMENT

Despite the small size of our country we have many political parties, so we can say that an individual voter has a wide variety of choices who to vote for. The most important political party for us young people is SMS. It was founded in 1998 and it's ran by Dominik Černjak. Currently they occupy four seats in the parliament.

SMS deals with many problems which concern us all. They have many programmes and plans which cover a lot of different aspects of our lives. Different sections cover different areas. For example, we have a section that deals with the politics of the young, then we have a section for school, science, culture and sport, which deals with..., well I think you can figure that one yourself. Then there's also a section that deals with energy, a section that is trying to help to improve the order in our country. There's also a section that deals with problems that concern nature and farmers, a section that deals with social and health problems and the lack of apartments.

The section for youth affairs is trying to ease the everyday life of young people. It's trying to establish more scholarship funds which would really help the students. They are also trying to cut down the prices of student lunches and ease the impact on their wallets.

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The sections that deal with the energetics strives to find new sources to produce energy especially the one using renewable sources which are friendly to the environment. They think we should keep our nuclear plant running until the buildings costs are repayed. At the same time it's trying to prevent monopoly in supply of the earth gas and dependancy on the world's oil market. The latter should be solved by expanding our storage capacities.

The section for national order deals with the constitution, internal affairs, justice departments and the way our country is run. At the same time they strive for local local amdinistration in order to decentralize our country.

The section that deals with the environment and farmers is trying to protect our ecosystem in many different ways. It also has other steps planned to ensure the preservation of nature. For example a more rational consumption of tap water and research new ways to produce energy from renewable sources. They are also trying to preserve our forests, the diversity of species, the environment and to help farmers. They stand for preservance of our diverse cultural and ethnical value of our land. They are trying to prevent people from moving from smaller settlements to bigger cities. They are trying to revive traffic that uses rails in Ljublana and Maribor. The section tries to encourage the usage of railroad traffic to transport cargo, since it's more efficient and enviroment friendly.

The section deals with health, social and residential problems. The section strives to create a school system that enables people to find an employment easier. They help the unemployed and requalify people that can't find jobs in order to get jobs.They are also trying to improve social security.

The section is trying to improve the accessibilty and affordability of the appartments. They are encouraging and trying to speed up the current building development projects and at the same time they encourage the renovation of old appartmens. This section also strives to balance the supply and demand. They are also increasing their focus on the construction of appartments for the poor, for the students, for young families and for the elderly and disabled people.

SLOVENIAN CONSTITUTION

* Adopted on 23rd December 1991 (Official Gazette of the Republic of Slovenia, No. 33/91-I), as amended by the Constitutional Act of 14th July 1997 (Official Gazette of the Republic of Slovenia, No. 42/97) and the Constitutional Act of 25th July 2000 (Official Gazette of the Republic of Slovenia, No. 66/2000).

Slovenian Constitution was accepted on 23rd December 1991 and assures parliamentary system of administration. It is the highest law act, which is accepted and completed by National Assembly, with special proceeding (2/3 majority is needed).

The other law acts in hierarchy* series are:

- laws, which are accepted by National Assembly
- decrees of government to perform laws
- regulations, guidelines and decrees of ministry to perform laws and governments decrees
- regulations of local's self-governing organs which are accepted to regulate things in a frame of their competence

Proceeding from the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia, and from fundamental human rights and freedoms, and the fundamental and permanent right of the Slovene nation to self-determination; and from the historical fact that in a centuries-long struggle for national liberation we Slovenes have established our national identity and asserted our statehood, the Assembly of the Republic of Slovenia hereby adopts.

Slovenian constitution is made of 10 parts:

I. GENERAL PROVISIONS

II. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

III. ECONOMIC AND SOCIAL RELATIONS

IV. ORGANISATION OF THE STATE

- a) The National Assembly
- b) The National Council
- c) President of the Republic
- č) The Government
- d) State Administration
- e) National Defence
- f) The Judiciary
- g) State Prosecutor's Office
- h) Attorney ship and Notaries

V. SELF-GOVERNMENT

- a) Local Self-Government
- b) Other Forms of Self-Government

VI. PUBLIC FINANCE

VII. CONSTITUTIONALITY AND LEGALITY

VIII. THE CONSTITUTIONAL COURT

IX. PROCEDURE FOR AMENDING THE CONSTITUTION

X. TRANSITIONAL AND FINAL PROVISIONS

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We compared Slovenian, Finnish, Italian and European Constitution. We compared human rights. We got many different results and I would like to introduce some articles to show you the differences. Slovenian constitution says that human life is inviolable. There is no capital punishment in Slovenia. Finnish and European Constitutions say the same, but Italian says that death punishment is allowed in the time of war. That was 17. article of Slovenian Constitution. Then we have 34. article, which says that everyone has the right to personal dignity and safety. The rest of constitutions do not have that article. The next one I want to mention is 39. article of Slovenian Constitution, which says: "Freedom of expression of thought, freedom of speech and public appearance, of the press and other forms of public communication and expression shall be guaranteed. Everyone may freely collect, receive and disseminate information and opinions. Except in such cases as are provided by law, everyone has the right to obtain information of a public nature in which he has a well founded legal interest under law. Finnish, Italian and European Constitution are all similar to Slovenian Constitution in this article. The next article is number 43. It says that the right to vote shall be universal and equal. Every citizen who has attained the age of eighteen years has the right to vote and be elected. Italian constitution says that civil obligation. And the last article I would like to mention is number 52, which says that disabled persons shall be guaranteed protection and work-training in accordance with the law. Physically or mentally handicapped children and other severely disabled persons have the right to education and training for an active life in society. The education and training referred to in the preceding paragraph shall be financed from public funds. Italian Constitution has this article the same as Slovenian. Finnish Constitution convices discrimination of disabled persons.

Our group compared Slovene Constitution with the Constitution of Finland and Italy. For the basis we took Slovenian Constitution. We compared articles written under human rights and fundamental freedoms. Italian and Finnish Constitution have the articles in different order.

We found out that the basic articles about human rights and fundamental freedoms are very similar or the same in all constitutions. Those are articles about equality before the law exercise and limitation on rights, inviolability of human life etc.

In Finnish Constitution we haven't found following articles: exercise and limitation of rights, Orders for and Duration of Detention, Protection of Human Personality and Dignity, Equal Protection of Rights, Right to Judicial Protection, Public Nature of Court Proceedings, Right to Legal Remedies, Right to Compensation, Principle of Legality in Criminal Law, Legal Guarantees in Criminal Proceedings, Right to Rehabilitation and Compensation, Right to Private Property and Inheritance, Right to Personal Dignity and Safety, Inviolability of Dwellings,

Protection of the Privacy of Correspondence and Other Means of Communication, Freedom of Conscience, Right of Assembly and Association, Participation in the Management of Public Affairs, Right to Petition, Right to Conscientious Objection, Extradition, Right to Health Care, Marriage and the Family, Rights and Duties of Parents, Education and Schooling, Freedom of Science and the Arts, Prohibition of Incitement to Discrimination and Intolerance and Prohibition of Incitement to Violence and War.

It seems that it isn't written much about fundamental freedoms in Finnish Constitution. But Slovenian Constitution has got a few articles that are missing in Finnish and Italian Constitution. Those are articles about Prohibition of double jeopardy, Protection of right to privacy and personality rights, Protection of personal data, Right to correction and reply, freedom in choice in childbearing, intellectual property rights, Expression of national affiliation, Right to use one's language and script.

All articles about law, courts, detention etc. are in Slovene Constitution written under 'fundamental rights'. Italian Constitution has under fundamental rights just few articles in this connection (Defendants rights, Right of the accused, Responsibility of public officials) because the other articles on this theme are in the part of the judiciary. In Finnish Constitution we have not found these articles.

We have noticed some important differences among articles connected with law. The Italian constitution has more articles about work and is written. What is more in Italian

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Constitution is enlarged article about the freedom of work (+ the republic shall provide for the training and professional enhancement of workers, republic shall promote and encourage international accords and institutions whose aim is to assert and regulate the rights of labour.) The Italian constitution also includes an article about Equality of woman at work and the one about wages.

We would like to expose some interesting differences that we have found in the article of freedom of expression. The Italian Constitution clearly determined the rights for the press and media (concerning the censorship, banishment of result). The It. Const. does not have a specific article, against torture of animals. On the contrary, the Slovene constitution clearly states that medical, or any other scientific experiments are prohibited by law, if one does not agree on it.

CARINTHIAN SLOVENIANS

History of the Carinthian Slovenians

The Carinthian Slovenians are still fighting for their rights and live under the pressure of Austrian nationalism, in spite of the current democratic organisation in most European countries. After the First World War and the disintegration of the Austro-Hungarian monarchy, the majority population of the part of Carinthia included in the plebiscite remained Slovenian.

After the First World War fights occurred due to the division of land between Austria and the SHS country. In Carinthia, Austria demanded the border south of Beljak and Celovec, while the Slovenians demanded it north of Gosposvetsko polje. Severe fights occurred in Carinthia as a result. Next to the army of Rudolf Maister, volunteers under the leadership of lieutenant Fran Malagaj and corporal Alfred Lavrič fought on the Slovenian side up to the spring of 1919, with pauses in-between. However, their actions did not receive the appropriate support from the Yugoslavian leadership, who entrusted the decisions concerning the border to a peace conference.

Only half a year after the merging with the Serbian Kingdom did the Serbian army intercede at the Slovenian northern border, but it did not help solve the problem. The arrival of the Serbian army and its ineffectual measures even created an anti-Yugoslavian mood.

By then, the Carinthian border was the subject of debate at the peace conference in Paris. Two American officers viewed the situation and reported that the Celovec basin was a closed economic and geographical unit and should therefore not be divided. President Wilson thusly supported the border in the Karavanka mountains. But due to different propositions and the nationality mixture of the area, a plebiscite in Koroška was decided.

The Celovec basin was divided into two parts – areas A and B. They decided to hold the plebiscite first in area A and, should the first one (in area A) be in Yugoslavia's favour, another one in area B. The plebiscite should have been held six months after the signing of the Saint-Germain peace treaty, but it didn't happen until 10 October 1920. The majority population in area A decided for Austria, so both areas remained in Austria.

How the Slovenian became a minority

In the 19. Century, a quarter to third of the Carinthian population spoke Slovenian. In the traditional settling area there lived only Slovenians with the exception of a few smaller language isles. The focused assimilation policy resulted in the large decrease of Slovenian-speaking population (graphically presented in the assignment).

Comparison of the constitutional protection of minorities in Slovenia and Austria

»The constitution can gain or lose legitimacy in the eyes of those who identify themselves with a certain ethnic community. If the national population is ethnically divided, the constitution may or may not assure ethnic freedoms, rights and privileges. If the ethnic communities are protected by such a constitution, there is a larger possibility they will be loyal to such a constitutional order. But if such a constitutional position is not acknowledged or if they are discriminated by laws and have no constitutional right to the states' help, there is a larger possibility they will oppose the laws that neglect and shame them.« (Jackson, 1988: 41).

Within the European Council, the only legally binding documents that are intended solely for the protection of minorities or minority languages, were accepted in the beginning of the nineties. They are "The skeleton convention for the protection of national minorities" and "The European document about regional or minority languages".

The Constitution

Both, Slovenia and Austria, guarantee the protection of minorities with the constitution and so guarantee equality in the eyes of the law for all people, without exceptions due to race, skin colour, language, religion etc. They have their minorities defined and guarantee that members of the minorities are not treated worse than the members of the majority nation. But even so, the minorities don't always have the best options for retaining and developing their special national, ethnic, speech and/or religious identity.

The comparison between the minority protections of Slovenia and Austria will be made in five areas where we find special minority rights most often (international documents, constitutions, laws...). These areas are:

Education: the right to learn their mother language, the right to receive education in their mother language, the right to national financing of such education.

Language: the right to the undisrupted use of the mother language in private and public life, in contact with authorities (if possible), in court, the right to media in their language.

Religion: the right to express their own religious ideas, the right to perform religious ceremonies in accordance with their beliefs, the right to found their own religious institutions etc.

Culture: the right to viewing, expressing and developing their own culture, the right to their own cultural societies. pevskih zborov, gledališč, medijev ipd.

Political participation: the right to take part in decisions about all matters that concern minorities, ensure representation in local, regional and national deciding organisations.

Table: constitutional declarations important to the minority position in Slovenia and Austria

Country	Constitutional declarations about minority protection						Prohibition of discrimination
	Specific mention of minorities	Special minority rights					
		E	L	R	C	PP	
SLOVENIA	+	+	+	-	+	+	+
AUSTRIA	+	+	+	+	-	-	+

** Key:

E - Education L - Language C - Culture PP Political participation R - religion

Comparison of declarations about regional or minority languages

AUSTRIA: Austria accepted its constitution (Federal constitutional law - Bundesverfassungsgesetz) in 1929, but the clause concerning minority protection and the also mentions minority language protection, only got introduced in 2000. Anyway, among the Austrian constitutional documents containing declarations about minority languages, the "Austrian national agreement" from 1955 and the "Saint-Germain agreement-Part III" from 1919 can also be found. The document for regional or minority languages was signed by Austria in 1992 and ratified in 2001. In its declaration at the ratification of the Document (filed 28.6.2001), Austria defined the following languages as minority languages in its lands: Croatian, Slovenian, Czech, Hungarian, Slovakian and Gypsy. It took over different obligation in the document for each of these languages, in accordance

with the federal order of the nation and the different situation of each of these languages in singular federal countries.

SLOVENIA: Slovenia accepted its constitution in 1991. The document for regional or minority languages was signed in 1997 and ratified in 2000. In the declaration at the ratification of the Document (filed 4.10.2000) Slovenia wrote that there are two minority or regional languages within its borders that the declarations from the third part of the document will apply to – Hungarian and Italian. Slovenia took over the obligations from the second part of the Document for the Gypsy language. In the Slovenian constitution, the Italian and Hungarian languages, where the indigenous Hungarian and Italian national communities live, a guaranteed status of official language (clause 11), while the 64. clause guarantees the use of the mentioned minority languages in education.

The problems of Carinthian Slovenians today

The Austrian minority policy can warn against a legal system that provides many protections and rights for minorities in theory, while in practice it is not having either an active and systematic acceleration policy or protecting minority members from a restrictive national policy and smaller hostile organisations and structures (for instance, in the seventies, where dual-language signs were destroyed all over Austrian Carinthia in the anti-Slovenian hunt back then).

As a solution to the signs problem, a special work group was founded, which, on the basis of measurements (population counts, cultural presence, dual-language class applications and political presence) by the end of August made a list, of places that had a right to dual-language topography – about 66, but they are combined for only 10 new signs, with 56 remaining questionable. Even so, signs on highways in Austrian Carinthia have begun to be replaced. The new ones will have only Slowenien (SLO) and Italien (I) written on them, instead of Ljubljana and Udine.

There are also still reports of closing smaller schools, placing teachers who don't know Slovenian in dual-language schools and trying to cancel Slovenian shows (Radio dva (Radio two), Radio Agora).

In spite of all the pressure, Carinthian Slovenians still continue their fight, even though most of them permanently sacrifice a part of their personal standard (comfort) to keep the Slovenian national conscience alive.

CONCLUSION

What you see here is the result of our hard work invested in this project. Without the help of literature, discussions, debates and of course our mentor and geography teacher prof. Valentina Maver we would not have completed the work. At the research of topics we used all the available sources and did our best.

In this project we compared our-Slovenian Constitution with the constitutions of other countries. We made a research on many topics: various attitudes of countries towards the national minorities, what's happening in EU, the attitude of Slovene residents towards the EU and what the level of involvement of youth in politics is.

We found out that Slovenia isn't that different from other well developed western countries regarding the constitution, human rights and basic freedom. Slovenia has recently made a few changes in the constitution in order to join the EU easily.

The young Slovenian people have a very positive attitude towards our joining to the EU. Many of us realize that this will give us more opportunities in education, employment in the future. It will also help us to become more involved in the european affairs and this will emphasize the importance of human rights and freedom.

We are looking forward to compare our research results with other young people from other countries. We surely know this experience will help us in the future. We believe that together we can take our future and the future of our children to a better and more rightful level.

BIBLIOGRAPHY

Cerar ml., M. *Temelji ustavne ureditve, človekove pravice in temeljne svoboščine, gospodarska in socialna razmerja*. Ljubljana, Tiskarna Ministrstva za notranje zadeve RS, 1996.

Herek, L. *Slovenke in Slovenci v Evropski uniji*. Ljubljana: Urad Vlade RS za informiranje, 2001. ISBN 961-90831-7-2

Kek, M. *SLOVENIJA v Evropski uniji*. Ljubljana: Urad vlade za informiranje, 2000. ISBN 961-90831-4-8

Stergar, A., *Slovenski almanah 2001*, Delo d.d. in Slovenske novice d.d.

Ude, L., Grad, F., Cerar, M. *Ustava Republike Slovenije z uvodnim komentarjem*. Ljubljana, ČZ Uradni list RS, 1992.

Stran Državnega zbora Republike Slovenije [website]. Ljubljana, [quoted on 12th February 2003.] Available on the internet at the address: <http://www.dz-rs.si/>

Stran dnevnega časopisa Dnevnik [website]. Ljubljana, [quoted on 10th March 2003.] Available on the internet at the address: <http://www.dnevnik.si>

Strani Ministrstva za notranje zadeve [website]. Ljubljana, [quoted on 8th April 2003.] Available on the internet at the address: <http://www.sigov.si/uunz/stranke.htm>

Stran Slovenske Mladinske Stranke [website]. Ljubljana, [quoted on 15th April 2003.] Available on the internet at the address: <http://www.sms.si>

Strani Evropske unije v Sloveniji [website]. Ljubljana, [quoted on 26th February 2003.] Available on the internet at the address: <http://www.evropska-unija.si>

Urad vlade za informiranje [website]. Ljubljana, [quoted on 8th March 2003.] Available on the internet at the address: <http://evropa.gov.si>