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**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF SLOVENIA SUBJECT TO INTERIM FOLLOW-UP**

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¹ Except where expressly indicated, any developments which occurred after 27 December 2016, date on which the response of the Slovenian authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2007)986/4.1.

1. *In its report on Slovenia published on 16 September 2014 (fourth monitoring cycle), ECRI urged the authorities to find a suitable solution with all parties involved in order for a fully independent national specialised body to combat discrimination, in particular racial discrimination, to start operating as soon as possible. It referred to its General Policy Recommendations Nos. 2 and 7 for guidance on alternative forms of specialised bodies and a full list of the duties and activities that such a body should perform.*

In May 2016, the Protection against Discrimination Act entered into force. It establishes the Advocate of the Principle of Equality as an independent and specialised national body to combat discrimination¹ in all fields. The Advocate is nominated by the National Assembly upon the proposal of the President. The Act also states that the Advocate has a team composed of civil servants who carry out professional and administrative tasks. Funding is allocated from the general state budget and set by the National Assembly.

The Advocate of the Principle of Equality has the following main competences: independent assistance to victims of discrimination through counselling and legal advice as well as assistance in legal proceedings; inspection; undertaking independent studies, research, analyses and monitoring; publishing independent reports and issuing recommendations, including proposals for special measures; raising public awareness; the right to lodge a claim for constitutional review of laws that are discriminatory; and exchanging information with relevant EU bodies. Following a call for applications and a selection procedure, the Advocate was nominated in October 2016.

ECRI is pleased to conclude that its recommendation has been implemented.

2. *In its report on Slovenia (fourth monitoring cycle), ECRI strongly recommended that the authorities find a suitable and fair solution to compensating the “erased”, as required by the European Court of Human Rights, as well as resolving the legal status of any “erased” who wish to obtain Slovenian citizenship or permanent residence in Slovenia.*

ECRI recalls that 25 671 persons were “erased” from the registers of permanent residents of Slovenia on 26 February 1992. They became aliens with no legal status in Slovenia and many remained so for more than 20 years.

As regards the first part of the recommendation, ECRI notes that the Act Regulating Compensation for Damage to Persons Erased from the Register of Permanent Residents was enacted in November 2013 and took effect on 18 June 2014. It aims to redress the human rights violations caused to “erased” persons and execute the European Court of Human Rights’ Grand Chamber judgment in the case of *Kurić and others v. Slovenia*.²

Beneficiaries of the compensation scheme are defined as those “erased” persons who have acquired a permanent residence permit or Slovenian citizenship as well as those who made an unsuccessful application to that effect prior to the 2010 legal status legislation (see below). Financial compensation is awarded via an administrative procedure, comprising a lump sum of 50 EUR per completed month of erasure, as well as other forms of just satisfaction. “Erased” persons also have the right to claim limited

¹ The list of grounds includes nationality, racial or ethnic origin, religious or other belief, sexual orientation and gender identity.

² *Kurić and Others v. Slovenia* [GC], Application No. 26828/06, 26 June 2012. The Court found violations of Article 8 (right to respect for private and family life) and Articles 13 (right to an effective remedy) and 14 (prohibition of discrimination) in conjunction with Article 8.

compensation before a court. There is a deadline of three years in which to file a claim (up to 18 June 2017).

ECRI notes that on 25 May 2016, the Committee of Ministers adopted its final Resolution in the *Kurić* case, stating that by adopting the act on compensation Slovenia had complied with the requirements specified in the judgment, and closed the procedure. In a subsequent case brought by 212 “erased” persons who had regularised their legal status,³ the court was satisfied with the system of compensation and its functioning in practice. It nevertheless kept the door open for applications concerning the future functioning of the domestic compensation scheme. Indeed, ECRI notes that there are currently six group applications concerning the “erased” pending before the European Court of Human Rights.

As for the second part of its recommendation on resolution of the legal status of the “erased”, ECRI recalls that the Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia of 2010 provided the possibility for the “erased” to regulate retroactively their legal status in Slovenia within a three-year deadline (up to 20 July 2013). The law was criticised for setting requirements that were excessively hard to meet.⁴ Indeed only 1 899 people applied and 237 residence permits were granted.⁵ The authorities consider that they made sufficient efforts to inform interested parties about the opportunity to regularise their legal status in Slovenia⁶ and that the three-year deadline was long enough.

In total, just over 10 300 “erased” have regularised their legal status in Slovenia.⁷ It is estimated that around 3 000 have since deceased, which leaves some 12 000 “erased” who the authorities presume to be living abroad with no intention of returning.

ECRI notes the efforts made by the Slovenian authorities to facilitate regularisation of legal status and to establish a compensation scheme. Although certain issues remain unresolved, including compensation for the “erased” who have not regularised their legal status in Slovenia or who were rejected under the amended legal status legislation, overall ECRI concludes that its recommendation has been implemented.

3. *In its report on Slovenia (fourth monitoring cycle), ECRI urged the Slovenian authorities to take immediate action to ensure that all Roma have practical access to a safe water supply in or in the immediate vicinity of their settlements where this is still a problem.*

ECRI recalls that one of the most serious issues related to Roma housing in Slovenia is the lack of access to a safe water supply in or near some settlements.

The authorities informed ECRI that the new National Programme of Measures for Roma for the period after 2015 is now being drafted and will include measures to improve the living conditions of the Roma community, particularly to ensure access to safe drinking water and sanitation facilities. They have also opened a public tender for projects relating to utility infrastructure, including water collector wells and pipelines

³ *Anastasov and Others v. Slovenia*, Application no. 65020/13, 17 November 2016.

⁴ See § 124 of ECRI’s Fourth Report on Slovenia; see also § 4.1 in www.refworld.org/pdfid/4df9cd8c2.pdf.

⁵ Those who did not apply, or whose application was unsuccessful, were able to apply for a residence permit under the Aliens Act.

⁶ Including the publication of an information brochure in Slovenian as well as the other languages of former Yugoslavia, and wide distribution at all administrative units in Slovenia, Slovenian diplomatic representations and consulates around the former Yugoslavia, as well as via non-governmental organisations, the Ministry of the Interior’s website and a toll-free information hotline.

⁷ Department for the Execution of Judgments of the European Court of Human Rights, Summaries of final resolutions adopted in 2016.

connecting Roma settlements to the distribution system. The amount of two million EUR in total was foreseen for the years 2016 and 2017.

The authorities informed ECRI that in September 2016 they provided exceptional funding of 30 000 EUR to ensure access to safe drinking water for the Gorica vas settlement in Ribnica, as well as for two premises in Dobruška vas in Škočjan. According to NGOs, only one settlement received water cisterns; as they were not insulated, the water froze in winter. No water was supplied to other informal settlements. Indeed, in March 2017, the Human Rights Commissioner of the Council of Europe visited the Dobruška vas settlement and reported that Roma were living in insalubrious conditions, with a number of families deprived of access to running water, electricity or sanitation, and that inhabitants had to draw water from a polluted stream.

Further, ECRI notes that two cases concerning access of Roma to basic infrastructure, including water, are pending before the European Court of Human Rights.⁸

Despite some efforts made by the Slovenian authorities, ECRI is concerned that the lack of practical access to a safe water supply continues to be a problem for many Roma. It concludes that its recommendation has not been implemented.

⁸ Hudorovič v. Slovenia, Application No. 24816/14 and Novak v. Slovenia Application No. 25140/14.

