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Ms Gabriella Habtom  
Secretary  
United Nations Committee on the Elimination of  
Racial Discrimination  
Office of the High Commissioner for Human Rights  
CH-1211 Geneva 10  
Switzerland

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**AMNESTY  
INTERNATIONAL**



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Dear Ms Habtom

In advance of the consideration of Slovenia's sixth and seventh periodic reports at the 77th session of the United Nations (UN) Committee on the Elimination of Racial Discrimination (the Committee), Amnesty International would like to raise its concerns in relation to a number of residents of the former Yugoslav republics who had been living in Slovenia and whose permanent residency status was revoked by the Slovenian authorities in 1992 (hereinafter referred to as "the erased"). These concerns relate to Slovenia's obligations under Articles 1, 2 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (the Convention). Please find enclosed 30 copies of Amnesty International's submission on Slovenia to the UN Universal Periodic Review (UPR),<sup>1</sup> which focuses on ongoing human rights violations suffered by "the erased".

Amnesty International would also like to raise concerns regarding the situation of Roma in Slovenia, particularly in relation to access to housing, water and sanitation, relating to Article 5 of the Convention. I would be grateful if you would circulate this letter and the enclosed document to the members of the Committee.

#### **"THE ERASED"**

As a result of the revocation of their permanent residency status, "the erased" have been subject to violations of the principle of non-discrimination, the right to work and protection against unemployment, the right to public health, medical care, social security and social services, and the right to education.

Amnesty International welcomes the adoption in March 2010 of the law regulating the legal status of "the erased", the organization is concerned that the law does not encompass all categories of "the erased" and creates additional administrative barriers.

The organization has called on Slovenia to develop a reparation programme for "the erased" which would include comprehensive measures of reparation as defined by international law, including restitution, satisfaction, compensation, rehabilitation and guarantees of non-repetition. Amnesty International has also called for an official recognition of erasure as a discriminatory act, an apology and a thorough and impartial investigation of the erasure and its consequences.

Amnesty International has raised the issue of "the erased" with the Slovenian authorities, with international human rights bodies, including the UN Committee on Economic, Social and Cultural Rights



and the UN Human Rights Council, and with the Council of Europe. Several of these bodies have urged the Slovenian authorities to restore retroactively the permanent residency status of "the erased" and to provide them with full reparation.

In its submission to the UPR Working Group of the Human Rights Council, Amnesty International made a number of recommendations to the Slovenian government, including:

- to adopt legislative and other measures to grant full reparation, including restitution, satisfaction, compensation, rehabilitation and guarantees of non-repetition, to all individuals affected by the erasure;
- to ensure that such measures include all of "the erased" persons, irrespective of where they currently reside;
- to organize an outreach campaign to inform "the erased" currently living outside Slovenia of the existence of the new legislative measures and the possibility to benefit from them;

In addition to the above, Amnesty International recommends that the authorities of Slovenia:

- to conduct a thorough and impartial investigation of the erasure and its consequences, and
- to recognise the erasure as a discriminatory act and offer an official apology to its victims.

#### **ROMA**

Amnesty International would also like to draw the attention of the Committee to the situation of Roma in Slovenia, especially with regard to the violation of their economic and social rights as outlined by Article 5(e) of the International Convention on the Elimination of All Forms of Racial Discrimination.

Amnesty International is currently carrying out research on the housing situation of Roma people living in informal settlements in Slovenia.

The majority of Roma in Slovenia live in informal settlements or slums, which are almost entirely made up of Romani communities. Most of the settlements have been established for well over two decades and are mostly based in the South-eastern region and in Prekmurje region. Roma who live in informal settlements face especially poor housing conditions which are in general, considerably worse than for the rest of the population.<sup>ii</sup> Many reside in inadequate housing, without access to water and electricity, and otherwise falling short of the international standards defining adequate housing. Without adequate housing they cannot fully access other human rights such as the right to education, the right to work and the right to health care – all crucial to break the vicious cycle of poverty and marginalization of Roma in Slovenia. As recognised in the current state report to the Committee, poor sanitary conditions in Roma communities are one cause of low education rates for Roma.

The 2007 survey by an Expert group for solving spatial issues in Roma settlements<sup>iii</sup> (established by the Ministry of Environment and Spatial Planning) established that the lack of access to drinking water and electricity remains a very serious and widespread problem in Roma settlements. According to the survey, 18 out of 57 settlements in the South-eastern region and three out of the 38 settlements in Prekmurje had no water supply, and 24 settlements in the South-eastern region were without electricity.<sup>iv</sup> The situation facing the Roma is in stark contrast to that faced by the population other than the Roma. In Slovenia nearly 100 percent of the population has access to safe drinking water and 92 percent of the population is connected to the public water system.

The housing situation of Roma in Slovenia is affected by isolation and geographical segregation. More than 60 per cent of the Roma settlements are isolated from the rest of the population or on the periphery



of urban areas; slightly more than 20 per cent of settlements are in the vicinity of the towns or are part of towns, and less than 20 per cent of the Roma settlements are in contact with other settlements.<sup>v</sup>

#### **ACCESS TO WATER AND SANITATION**

Under Slovenian law, the responsibility for provision of water and sanitation lies with municipalities. Access to a piped network connection is conditional upon ownership of the land and a building permit. Lack of ownership and a building permit is the primary reason given by some municipalities for not providing water to Roma settlements. Most municipalities have waived these requirements and have provided access to piped water to settlements (for example, in Trebnje and Krško), however in others Roma are still denied access to the municipal water supply network. A draft National programme for Roma which was adopted in March 2010 included a plan for regularization of Roma settlements but so far it only considers changing their land status to building land (which is supposed to be done by the beginning of 2011), which is only the first step towards meeting the current requirements to get access to piped water.

While conducting our research, so far Amnesty International has visited 18 Roma settlements in 12 municipalities (out of 25 municipalities with Roma settlements). We have also found significant concerns in relation to access to sanitation in many of the settlements we visited. Even some of the settlements which have access to piped water do not have adequate sanitation facilities because they are not connected to public sewerage and garbage collection systems. There are no toilet facilities at least in the following settlements that delegates from Amnesty International visited: Dobruška vas in Škocjan, Žabjak in Novo mesto, Pri Nikotu in Grosuplje, Belicnik in Crnomelj, Gorica vas in Ribnica.

On the conclusion of her visit to Slovenia in May 2010, the UN Independent Expert on the issue of human rights obligations related to safe drinking water and sanitation stated: "Some municipalities in Slovenia have found solutions to ensure access to water and sanitation for Roma communities, while others still fail to do so. These discrepancies are unacceptable, and the central Government must take swift and decisive action against any form of discrimination, including based on ethnicity."<sup>vi</sup> According to the 2007 survey conducted by the Expert group, referred to above, Roma settlements are very rarely connected to the public sewerage system.

#### **ACCESS TO HOUSING**

Roma also face discrimination in access to housing. Refusal by private landlords to sell or rent to Roma was reported to Amnesty International by both Roma and local authorities in Novo mesto, Semič, and Šentjernej municipalities and reported by Roma in Ribnica and Škocjan municipalities. Municipal authorities were aware of the discrimination Roma face when trying to buy or rent a property outside of the Roma settlements. In some cases, municipal authorities were also actively involved in preventing Roma from living outside of the Roma settlements. However no actions were taken by either by national or municipal authorities to address this situation.

Due to the discrimination Roma face on the private market, Roma are also in many cases unable to access social housing or other housing benefits. Social housing in Slovenia can be accessed through subsidized rent, to which one is entitled to if the individual or their family does not exceed specified level of incomes. One can apply for the subsidy if renting non-profit housing, which can be accessed by applying to a public invitation, which are mostly issued by municipalities. However if there is no call for tender for non-profit housing in the municipality of permanent residence for more than a year, one can also apply for the subsidy to rent if they are renting in the open market and would meet the criteria to apply for non-profit housing.<sup>vii</sup> In this case, the subsidy can be acquired from the municipality where a person applying has a permanent address of residence. In some municipalities, there are cases where calls for tenders for non-profit housing have not been published for several years and individuals do not know when a call for tenders will be published. A survey conducted by Amnesty International Slovenia in 2009 and 2010 indicates that the municipalities of Šentjernej, Črenšovci and Dobrovnik have no non-profit housing at all. In Grosuplje the last public tender for non-profit housing was issued in 1994.<sup>viii</sup> In Ribnica, the last tender



was in 1999.<sup>ix</sup> In many municipalities it is therefore only possible to access social housing through applying for a subsidy for an open market rental property. This depends on the ability to rent properties on the open market, which, as explained above, is often not possible for Roma due to discrimination. This means that, in effect, Roma are also discriminated against in accessing social housing. In addition, many of those Roma interviewed by Amnesty International had not heard about their right to subsidized rent, thus raising a concern that such entitlements may not have been adequately publicised.

I hope this information is of interest to you and the members of the Committee. Please do not hesitate to contact me if you have any queries on the enclosed.

Yours sincerely,

T. D. Baldi-Per.

PP Jill Heine  
Legal Adviser

Encl. *Amnesty International: Submission to the UN Universal Periodic Review. Seventh session of the UPR Working Group of the Human Rights Council, February 2010* (AI index EUR 68/004/2010) – 30 copies.

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<sup>i</sup> *Submission to the UN Universal Periodic Review. Seventh session of the UPR Working Group of the Human Rights Council, February 2010* (AI index EUR 68/004/2010)

<sup>ii</sup> Slovenia/Vlada Republike Slovenije (2004), National Action Plan on Social Inclusion (NAP/inclusion) (2004 – 2006), p.20, available at:  
[http://ec.europa.eu/employment\\_social/spsi/docs/social\\_inclusion/nap\\_incl\\_2004\\_si\\_en\\_version.pdf](http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/nap_incl_2004_si_en_version.pdf)

<sup>iii</sup> The Expert group was established by the Ministry of Environment and spatial planning and consisted of three representatives of the Ministry for Environment, the Head of the Office for minorities, Mayor of Škocjan municipality, two representatives from the Roma association and head of the group Dr. Jernej Zupancic, geography professor in Faculty for Philosophy in Ljubljana. The Survey was published by the head of the group in the article: Zupancic, Romska naselja kot posebni del naselbinskega sistema v Sloveniji (Roma settlements as a specific part of settlement system in Slovenia).

<sup>iv</sup> Zupancic, Romska naselja kot posebni del naselbinskega sistema v Sloveniji, page 13, [http://www.ff.uni-lj.si/oddelki/geo/publikacije/dela/files/Dela\\_27/12\\_zupancic.pdf](http://www.ff.uni-lj.si/oddelki/geo/publikacije/dela/files/Dela_27/12_zupancic.pdf).

<sup>v</sup> *ibid*, pages 11-12.

<sup>vi</sup> *Slovenia realises the rights to water and sanitation for most, but not all says United Nations Independent Expert*, press release of the Independent Expert on the issue of human rights obligations related to safe drinking water and sanitation, 28 May 2010, available at:  
[http://www2.ohchr.org/english/issues/water/iexpert/docs/Slovenia\\_PR28May2010.pdf](http://www2.ohchr.org/english/issues/water/iexpert/docs/Slovenia_PR28May2010.pdf) (accessed 17 June).



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<sup>vii</sup> Article 121 of the Housing Act of Slovenia (Stanovanjski zakon).

<sup>viii</sup> This information is based on information provided to Amnesty International by the municipalities of Črenšovci, Dobrovnik, Grosuplje and Šentjernej.

<sup>ix</sup> This information is based on an interview conducted by Amnesty International with Ribnica municipal authority.