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Slovenia: Draft Constitutional Law perpetuates discriminatory treatment suffered by the “erased”

Amnesty International and The Equal Rights Trust call on the Slovenian government to withdraw the draft Constitutional Law, presented to parliament on 30 October, which is intended to resolve the status of the “erased” -- people unlawfully removed from the registry of permanent residents in 1992. As a matter of urgency, the government should introduce legislation that is in line with international human rights law and the relevant decisions of the Slovenian Constitutional Court. As it prepares to assume the European Union (EU) Presidency in January 2008, Slovenia should clearly and unequivocally demonstrate its commitment to equality and non-discrimination as a fundamental principle of EU law.

In its present form the draft law continues to violate the human rights of the “erased” and further aggravates their disadvantaged position. It maintains discriminatory treatment of the “erased”, provides new legal grounds for more discriminatory actions by the authorities, including the possibility to revise decisions on individual cases where permanent residency has been restored, and fails to retroactively restore the status of permanent residents of all the “erased”. The draft also disclaims responsibility by state bodies for the “erasure” and explicitly excludes the possibility of compensation for the human rights violations suffered by the “erased”.

At least 18,305 people were unlawfully removed from the Slovenian registry of permanent residents in 1992. They were mainly people from other former Yugoslav republics, many of them Roma, who had been living in Slovenia and had not acquired Slovenian citizenship after Slovenia became independent. As a result of the “erasure”, they became foreigners or stateless persons, and one of the most vulnerable and marginalized groups in the country.

While some were forcibly expelled, many lost their job and/or could no longer be legally employed. They have had no, or limited, access to comprehensive healthcare after 1992, in some cases with serious consequences for their health. Of those “erased” in 1992, thousands remain without Slovenian citizenship or a permanent residence permit.

Amnesty International and The Equal Rights Trust urge the Slovenian authorities to grant full reparation to all individuals affected by the “erasure” by explicitly and publicly recognizing the discriminatory nature of the “erasure”; retroactively restoring the status of permanent residents of all “erased” people (in accordance with the relevant Slovenian Constitutional Court decisions); providing financial compensation to all individuals affected by the “erasure”; and providing rehabilitation to those individuals whose physical and mental health was negatively affected by the “erasure”. The Slovenian authorities should also establish an independent commission of inquiry to investigate thoroughly the circumstances which led to the “erasure”, to collect data and information on the people affected by this measure and to examine and analyze its human rights consequences.

On 15 October, The Equal Rights Trust, an independent international organisation whose purpose is to combat discrimination and promote equality as a fundamental human right and a basic principle of social justice, submitted a third party brief to the European Court of Human Rights in a case addressing the discrimination against “erased” persons in Slovenia.

For further information on the “erased” see *Slovenia: The 'erased' - Briefing to the UN Committee on Economic, Social and Cultural Rights*, AI Index: EUR 68/002/2005)

<http://web.amnesty.org/library/index/engneur680022005> and

Equal Rights Trust submits third party brief to the European Court of Human Rights on the discrimination against “erased” persons in Slovenia <http://www.equalrightstrust.org/newsstory-15102007/index.htm>

