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Slovenia: The 'erased' - UN Committee on Economic, Social and Cultural Rights urges the authorities to remedy human rights violations

Amnesty International today called on the Slovenian authorities to immediately implement the recommendations of the UN Committee on Economic, Social and Cultural Rights (Committee) which were issued on 25 November 2005, after the Committee considered Slovenia's initial report on measures to give effect to the rights enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Prior to the examination of Slovenia's report, Amnesty International had submitted a written briefing to the Committee. The document *Slovenia: The 'erased' - Briefing to the UN Committee on Economic, Social and Cultural Rights*, published today, details Amnesty International's concerns with regard to human rights violations linked to the unresolved status of individuals removed from the Slovenian registry of permanent residents in 1992 (known as the "erased"), including their lack of access to full reparation for the violation of their human rights to which the "erasure" led.

The Committee concluded that the situation of the "erased" entails violations of these persons' economic and social rights, including the rights to work, social security, health care and education. Moreover, the Committee expressed its regret at the "lack of information on the actual situation with regard to the enjoyment by those individuals of the rights set out in the Covenant".

The Committee urged Slovenia "to take the necessary legislative and other measures to remedy the situation of nationals of States of former Yugoslavia who have been 'erased' as their names were removed from the population registers in 1992". The Committee strongly recommended that Slovenia restore the status of permanent residents to all the individuals concerned, in accordance with the relevant decisions of the Slovenian Constitutional Court. Such measures "should allow these individuals to reclaim their rights and regain access to health services, social security, education and employment". The Committee also requested that Slovenia, in its next periodic report, report on progress in this regard.

Background

On 26 February 1992, at least 18,305 individuals who were permanently residing in Slovenia before the country became independent were unlawfully removed from the Slovenian registry of permanent residents. The "erased" were mainly people from other former Yugoslav republics, many of them Roma, who had been living in Slovenia. All had not applied for or had been refused Slovenian citizenship in 1991 and 1992, after Slovenia became independent. They were *ex officio* denied the right of permanent residency in Slovenia on the grounds that they were not Slovenian citizens. This measure was not applied to other foreigners who had been permanently residing on the territory of Slovenia and was therefore

discriminatory.

As a result of the “erasure”, they became persons “illegally” residing in Slovenia and some of them were served forcible removal orders and had to leave the country. As foreigners or stateless persons with no right to permanently reside in Slovenia, the “erased” could not be legally employed (and as a consequence lost their pension, or saw it reduced), lost access to comprehensive healthcare and, in some cases, lost access to secondary education. Amnesty International therefore considers that the situation of the “erased” raises concerns over Slovenia’s failure to meet its obligations to respect the rights of the individuals concerned, including their right to work, social security, health and education. Despite two Slovenian Constitutional Court decisions ordering the Slovenian authorities to restore the status of permanent residents of all the “erased”, the authorities to date have failed to do so. They have also failed to provide other forms of reparation, including compensation, for the human rights violations suffered by the individuals concerned.

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/engeur680022005>