



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the sixth and seventh combined periodic reports of Slovenia, adopted by the Committee at its 77th session (2–27 August 2010)

Addendum

Information received from the Government of Slovenia regarding the recommendations in paragraphs 10 and 13 of the concluding observations*

[31 January 2013]

I. Introduction

1. The Government of the Republic of Slovenia welcomes the opportunity to pursue dialogue with the Committee on the Elimination of Racial Discrimination and would like to begin by recalling the comments and clarifications submitted in a note of the Permanent Representation of the Republic of Slovenia in Geneva No. 198/10 of 22 November 2010 provided in respect of the conclusions and recommendations adopted by the Committee at its 77th session, which are an integral part of this response.

II. Government responses to the Committee's concluding observations (CERD/C/SVN/CO/6-7)

A. Reply to the recommendations contained in paragraph 10 of the concluding observations on the discrimination of Roma with regard to their living conditions

2. Slovenia explained already in its official response to the received recommendations of the Committee regarding recommendation No. 10 that it does not place Roma in camps outside populated areas that are isolated and without access to health care and other basic

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been edited.

facilities. If the Slovenian delegation had been asked a question about this in the interactive dialogue held in August 2010, it would have been able to reply already on that occasion that some Roma in Slovenia do indeed live in settlements that are isolated from the rest of the population or on the outskirts of inhabited areas, which is a result of the process of historical settlement of Roma in Slovenia. There is no Government or any other measures or regulations in place that would regulate placing of Roma in camps outside populated areas. On the contrary, both the Government and the municipal authorities have been striving, through positive measures, to accelerate the regulation and improvement of the living conditions of Roma, including their better integration and the preservation of their culture and language.

3. Roma settlements in Slovenia are a special spatial, social and cultural phenomenon. There are just over 100 settlements in Slovenia with predominantly Roma population. Compared with approx. 6,000 statistical settlements in Slovenia, this accounts for merely 2 per cent, whereas Roma represent 0.5 per cent of the total population of the country (the estimated number is 10,000 members of the Roma community). The term “Roma settlement” is used as a uniform technical term with the following definition: “A Roma settlement is a settlement unit with predominantly Roma population. It may have the form of an independent settlement/hamlet or it is part of a settlement, also in cases of individual house numbers or a single household.” Owing to special circumstances of their origin, Roma settlements differ from other settlements of the Slovenian settlement network in terms of their location, floor plan, structure of buildings, architectural specific features and infrastructure, as today’s permanent Roma settlements emerged in the period of the transition of Roma from nomadic or half-nomadic lifestyle to permanent settlement. Taking into account the comparative analysis of the structure and topographic features of the existing Roma settlements, the choice of location and distribution of the first dwellings indicate the following common features:

- Separate location of a Roma settlement from other settlements (at a distance of 3 km, which still facilitates access to the necessary supply items on foot, while at the same time providing privacy)
- Bordering of a Roma settlement on woodland (forest was regarded as a safe background, and also as a source of raw materials and shade – pleasant atmosphere)
- The putting up of “barriers” to the surroundings (heaps of raw materials, garbage, water canals (natural and artificial), belts of shrubbery or forest, marshy and unpopulated area), which points to the closed character of Roma settlements

4. Roma settlements have emerged mostly in areas intended for agriculture, or are situated in endangered or protected areas. Buildings in Roma settlements are mostly illegal, built on plots of land owned by others, and not connected to public infrastructure. As a general rule, due to family ties of Roma in Roma settlements, housing difficulties of Roma cannot be resolved by their removal into social housing.

5. Taking into account the specific features of Roma settlements, the objective of addressing spatial planning issues may only be a comprehensive integration of Roma into the Slovenian society, i.e. a gradual formal, infrastructural and social integration of Roma settlements into the Slovenian settlement system, with concurrently implemented rehabilitation of these areas. It is therefore essential for the Roma settlements to be legalized as soon as possible and to be regulated in a manner facilitating for the Roma not only living and adequate housing in the existing location but also employment and further development.

6. With a view to improving the situation of the Roma community in Slovenia, the Government of Slovenia adopted, in March 2010, the National Programme of Measures for Roma for the Period 2010–2015 aimed at granting the justified needs of members of the

Roma community and improving living conditions of members of the Roma community in Slovenia, their quality, faster and easier integration into society at the concurrent preservation of their linguistic and cultural features in compliance with the needs expressed by Roma themselves. The Government has already adopted two reports on the situation of the Roma community in Slovenia regarding the implementation of measures under the National Programme and the provisions of the Roma Community Act (Official Gazette of the Republic of Slovenia No. 33/2007); the first report was adopted in October 2010 and the second in November 2012). The Government is committed to monitoring the implementation of the National Programme and the Roma Community Act by the Act itself.

7. The National Programme defines six strategic goals, the first one being “improving the living conditions of members of the Roma community and organizing the Roma settlements”. Three specific measures have been defined within this goal, as follows:

(a) Drafting a comprehensive strategic framework as the basis for specific programmes and projects of organizing Roma settlements. Defining the areas of Roma settlements and their rehabilitation as part of the procedure for the drafting of the municipal spatial planning document (legalization of Roma settlements);

(b) Implementation of indicated solutions, objectives and tasks as prepared by the Expert Group for Addressing Housing Issues of Roma Settlements within the scope of drafting municipal detailed spatial planning documents for individual Roma settlements;

(c) Implementation of financial measures for the development of areas populated by the Roma community in Slovenia.

8. Each of the measures lists objectives, indicators, schedule and explanation, the responsible authorities, the required funds, and financial sources. The responsible authorities in respect of the first two measures include local self-government communities (municipalities) in cooperation with and assistance by the ministry responsible for spatial planning, other relevant ministries and government services; whereas the responsible authorities in respect of the third measure are the ministry responsible for local self-government and regional policy and local self-government communities (municipalities). In all three key measures regulating the living conditions, the authorities responsible for their implementation also include municipalities with Roma population.

9. As regards the inclusion of members of the Roma community in the management of public affairs at the local level and thus also the procedures for spatial planning, members of the Roma community have the general voting right, to which they are entitled as citizens of Slovenia, and also a special voting right in 20 municipalities where they have been historically present, which enables them to elect their own representative to the municipal council. In certain municipalities in which Roma have not been historically present and consequently have no representative in the municipal council, special municipal working bodies are set up to monitor the situation of the Roma community, within the scope of which Roma may participate with the municipality and present their own initiatives and proposals.

10. Both reports of the Government of Slovenia on the situation of the Roma community in Slovenia, particularly the latest one, show that progress has been made in housing conditions as part of the work of the Expert Group for resolving spatial issues of Roma settlements undertaken within the ministry responsible for spatial planning. The work of the Expert Group comprised the analysis of the situation in settlements with Roma population, and on this basis, further proposals have been elaborated to improve the situation. The Expert Group drafted two expert reports:

- Expert report entitled Spatial Planning Issues of Roma Settlements in Slovenia, which provides the basis for specific programmes and projects of organizing Roma settlements, as it also comprises work scenarios for the development of Roma settlements.
- Supplement to the situation analysis of Roma settlements of 2007 after the active measures undertaken by ministries and other government services in the past years (November 2010).

11. Both texts are available on the website of the ministry responsible for spatial planning, and the municipalities with Roma population had also been informed. The above materials are aimed at providing assistance to municipalities in organizing such settlements, however, it depends on the willingness and readiness of municipalities whether they will use them.

12. As additional help to municipalities, the ministry responsible for spatial planning elaborated the Concept of Modernization of Roma Settlements or the good practice principle in the resolving of spatial planning issues of Roma settlements, which includes:

- Renovation and development of a Roma settlement and providing adequate infrastructure
- Spatial planning and programme-based connection of a Roma settlement with the surrounding settlements
- Participation and inclusion of Roma in the organization of the settlement
- Preservation and development of Roma culture.

13. In the Concept of Modernization of Roma Settlements, the ministry underlined that the resolving of spatial planning issues was a process which may be successfully implemented only in partnership between municipalities, the Roma and national institutions, whereby each player must fulfil obligations pertaining to their respective area of responsibility.

14. With regard to the fact that the organization of Roma settlements is a complex task, the ministry responsible for spatial planning organized seminars on this issue on 8 October 2010 and 1 March 2011, respectively. In addition to staff members of municipal administrations in municipalities with Roma population, Roma councillors were also invited to attend these seminars, as it is essential that members of the Roma community are informed of the possibilities for organizing Roma settlements. The seminars focused on spatial planning, public utilities, construction and housing, with particular emphasis on the existing legislation regulating the status of Roma settlements. The collection of lectures was forwarded by the ministry to all Roma councillors and representatives of municipal administration of municipalities with Roma population, regardless of whether they took part in the seminars or not.

15. Taking into account the current legal order and applicable legislation in Slovenia, spatial planning is the exclusive responsibility of municipalities. The latter must, as a precondition for the legalization of Roma settlements, begin by including these settlements into the municipal spatial planning documents, which are mostly still under preparation. Most municipalities are currently conducting procedures for the preparation and adoption of municipal spatial planning documents, including municipalities with Roma population. To date, out of 20 municipalities with a Roma councillor, 7 municipalities have adopted a municipal spatial planning document, 5 municipalities have a draft proposal of the document, and 8 municipalities are elaborating the draft. All municipalities also started organizing settlements with Roma population as part of the preparations for the municipal

spatial planning document. The defined Roma settlements include housing areas, as well as areas for central activities, green areas, sports centres, etc.

16. As part of public tenders, the line ministries provide for the regulation of the basic infrastructure in Roma settlements with financial incentives, and for the co-financing of municipalities through the elaboration of expert bases required for the preparation of municipal detailed spatial planning documents for organizing Roma settlements.

17. In compliance with the planned method of implementation of the Concept of Modernization of Roma Settlements or the good practice principle in resolving spatial planning issues of Roma settlements, the ministry responsible for spatial planning carried out, in 2007, a public tender for the co-financing of municipalities through the elaboration of expert bases required for the drafting of municipal detailed spatial planning documents on the organization of Roma settlements for the 2007-2008 period. Due to the small number of bids, only EUR 19,700.00 was granted out of EUR 40,000.00 envisaged for the tender. The next public tender will only be published when the majority of municipalities with Roma population have adopted the municipal spatial planning document, i.e. when the conditions for the participation in a public tender have been met or if such needs of municipalities with Roma population are expressed. When revising the municipal spatial planning documents, the ministry established that, in organizing Roma settlements, municipalities do not use detailed municipal spatial planning documents, since such settlements may be adequately organized already on the basis of the adopted municipal spatial planning documents.

18. In the 2007-2012 period, the Government Office for Local Self-Government and Regional Policy carried out three public tenders for the co-financing of projects of the basic public utility infrastructure in Roma settlements. Public tenders in 2007 co-financed projects for 2007, 2008 and 2009 amounting to EUR 2,725,302.50; public tenders in 2008 co-financed projects for 2008, 2009 and 2010 totalling EUR 1,478,847.33; the public tender in 2012 co-financed only projects for 2012. No additional funds for these purposes were allocated in 2011.

19. With the public tender in 2012, the envisaged amount of funds earmarked for this purpose totalled approx. EUR 3 million. With the adoption of the revised budget applicable as of 22 May 2012, the available funds were reduced to EUR 2,700,000.00. Eligible costs of financing:

- Water distribution systems for one or more users (including catchments, pipeline connections for households and maintenance) in Roma settlements
- Sewage networks with a view to protecting water sources or meeting environmental standards in Roma settlements
- Electrification of agglomerated Roma settlements
- Construction of new infrastructure or reconstruction of local roads and paths in Roma settlements
- Purchase of land for organizing and grouping Roma settlements.

The table below lists funds allocated to municipalities for this purpose in 2012

<i>Municipality</i>	<i>Roma settlement</i>	<i>Allocated funds (in EUR)</i>	<i>Number of projects</i>
Črnomelj	Lokve and Kanižarica	233,864.00	2
Dobrovnik	Šerkezijevi	59,086.14	1
Grosuplje	Smrekec 1 and 2	79,535.42	1

<i>Municipality</i>	<i>Roma settlement</i>	<i>Allocated funds (in EUR)</i>	<i>Number of projects</i>
Kočevje	Trata and Marof	345,928.00	2
Krško	Drnovo	20,600.00	1
Kuzma	Gornji Slaveči	88,617.36	1
Metlika	Rosalnice - Boriha	138,242.47	1
Murska Sobota	Pušča	100,000.00	1
Novo Mesto	Brezje	200,000.00	1
Puconci	Zenkovci - Pesek in Zenkovci - Breg	528,500.00	2
Semič	Srednja vas	58,000.40	1
Šentjernej	Šentjernej (Trdinova cesta)	50,000.00	1
Tišina	Borejci	131,314.80	1
Trebnje	Hudeje	454,847.00	1
Turnišče	Gomilica	110,365.06	1
Total		2,598,900.65	18

20. Public tenders for municipalities with Roma population have also been envisaged for 2013 and 2014 for the purposes of regulating the basic public utility infrastructure in Roma settlements, each worth EUR 3 million.

21. Issues relating to the living conditions of the Roma community are thus being addressed in a systemic and long-term manner.

B. Reply to the recommendations contained in paragraph 13 of the concluding observations on the regulation of the status of persons who had been deleted from the Register of Permanent Residents

22. As explained by Slovenia in the comments on the recommendations provided at the end of 2010, the status of persons who had been deleted from the Register of Permanent Residents was finally settled by the Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia (Official Gazette of the Republic of Slovenia No. 50/10), which entered into force on 24 July 2010. The Slovenian National Assembly adopted the Act with a view to finally regulating the legal status of persons who had been deleted from the Register of Permanent Residents. In addition to the implementation of the Decision of the Constitutional Court of the Republic of Slovenia No. U-I-246/02-28 of 3 April 2003 and the remedying of incompliances established in the Decision (including by the regulation of the status with retroactive effect, i.e. since the deletion), the Act also regulates some other related issues (the status of children of persons deleted from the Register and the status with retroactive effect for those citizens of the Republic of Slovenia who were citizens of other republics of the former Socialist Federal Republic of Yugoslavia (SFRY) at the time of Slovenia's gaining of independence, and who were deleted from the Register of Permanent Residents, and subsequently admitted to Slovenian citizenship without being issued with a permanent residence permit before that. As already explained in the comments, the content of the Act had also been examined by the Constitutional Court. In its decision No. U-II-1/10-19 of 10 June 2010 (Official Gazette of the Republic of Slovenia No. 50/10), the Constitutional Court ruled on the unlawfulness of the required referendum, and also established that the amending Act remedies, in a constitutionally adequate manner, the incompliances identified in a Decision of the Constitutional Court No. U-I-246/02-28 of 3 April 2003, and that the amending Act may

also regulate other issues (the status of children of persons deleted from the Register and the status with retroactive effect for citizens of the Republic of Slovenia), as they are closely connected with remedying the incompliances. The Court also assessed that the Act will provide the basis to finally regulate the legal status of those citizens of other republics of the former SFRY who had been deleted from the Register of Permanent Residents, if their status has not been regulated.

23. Slovenia has already explained that supplementary decisions were issued ex officio to those citizens of other republics of the former SFRY who had been deleted from the Register of Permanent Residents and who have already obtained a permanent residence permit (on the basis of the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia or on the basis of the Aliens Act) before the enactment of the amending Act (by 24 July 2010). The supplementary decisions established their permanent residence in Slovenia for the time from their deletion from the Register to the time of their being granted permanent residence permits. The supplementary decisions were issued by the Slovenian Ministry of the Interior on the basis of item 8 of the Decision of the Constitutional Court No. U-I-246/02-28 of 3 April 2003. The supplementary decisions were issued by the Ministry of the Interior in 2004 and from February 2009 onwards. In 2004, 4,040 supplementary decisions were issued, and another 2,581 decisions have been issued since February 2009. The amending Act regulates the issue of decisions with retroactive effect; it stipulates cases in which it is deemed that citizens of other republics of the former SFRY who had been deleted from the Register of Permanent Residents had permanent residence permits and registered permanent residence also with retroactive effect, i.e. from the cessation of registration of permanent residence onwards (in respect of which they are issued with a special decision).

24. As to the recommendation on the implementation of a campaign to inform persons deleted from the Register, who do not live in Slovenia, of the amending Act, Slovenia reiterates its awareness that providing information on the amending Act to all persons who had been deleted from the Register is important for the regulation of their status according to the amending Act and for the efficiency of administrative procedures. For this reason, the Ministry of the Interior undertook a number of activities aimed at presenting the Act to all interested persons before its entry into force. After the entry into force, the Ministry issued a special brochure in the Slovenian language available at all administrative units in Slovenia, and at Slovenian diplomatic missions and consular posts in the successor States of the former SFRY. It was also distributed to non-governmental organizations (NGOs). In January 2012, the Ministry issued the brochure in four other languages of the successor States to the former SFRY. The brochures and all relevant information are also available on the website of the Ministry (www.infotujci.si). A free phone service has been operated by the Ministry since 20 July 2010, providing information regarding the amending Act.

25. As to the recommendation that persons deleted from the Register be given the chance to implement their economic and social rights in a comprehensive manner, the purpose of the amending Act is to regulate the status in a different, simplified manner (obtaining the permanent residence permit) for citizens of other republics of the former common State SFRY, compared to other foreign nationals according to the Aliens Act. Therefore, the amending Act does not regulate other rights or indemnity. In other areas, persons deleted from the Register who had been issued with a permanent residence permit may enjoy the same rights as foreign nationals who have been issued with a permanent residence permit or have registered permanent residence in Slovenia.

26. With Decision No. 02401-22/2010/3 of 25 November 2010, the Government of Slovenia set up a Working Group on Comprehensive Resolving of the Issue of the Erased with a view to defining and elaborating the policy of measures for the reintegration of such persons into the Slovenian society, including the restitution of all rights and providing

assistance in the implementation of rights that may be obtained on the basis of regulated status. During the period of its activity, the Working Group also made a list of all rights that may be implemented in Slovenia by the persons deleted from the Register as soon as they have obtained a permanent residence permit. The Working Group concluded its work in May 2011.

27. On recommendation to provide compensation for damages for all persons deleted from the Register or adequate satisfaction, the Government of Slovenia, due to the execution of the judgement of the Grand Chamber of the European Court of Human Rights issued in the case of *Kurić and others v. Slovenia* in June 2012, set up an interministerial working group in October 2012, tasked with addressing the issues of the “persons deleted from the Register”, which is also striving to develop a systemic settlement of the issue of indemnity for such persons and to draft a special indemnity scheme.
