



PERMANENT MISSION OF THE REPUBLIC OF SLOVENIA

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The Permanent Mission of the Republic of Slovenia to the United Nations Office and other International Organisations in Geneva presents its compliments to the Secretariat of the Committee on the Elimination of Racial Discrimination and has the honour to enclose herewith Comments by the Government of the Republic of Slovenia to the conclusions and recommendations of the Committee on the Elimination of Racial Discrimination, adopted by the Committee at its 77<sup>th</sup> session.

The Permanent Mission of the Republic of Slovenia to the United Nations Office and other International Organisations in Geneva would be grateful if the enclosed comments were brought to the Committee's attention.

The Permanent Mission of the Republic of Slovenia to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Secretariat of the Committee on the Elimination of Racial Discrimination the assurances of its highest consideration.

Geneva, 22 November 2010



Secretariat to the Committee on the Elimination of Racial Discrimination

GENEVA

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**REPUBLIC OF SLOVENIA  
MINISTRY OF FOREIGN AFFAIRS**

**Comments by the Government of the Republic of Slovenia to the conclusion and recommendations of the Committee on the Elimination of Racial Discrimination**

The Government of the Republic of Slovenia welcomes the opportunity to pursue its dialogue with the Committee on the Elimination of Racial Discrimination by submitting the following comments and clarifications in respect of the conclusions and recommendations adopted by the Committee at its 77<sup>th</sup> session.

The Government of the Republic of Slovenia appreciates the high level of interest shown by the Committee towards the situation in Slovenia regarding elimination of all forms of racial discrimination. The Government of Slovenia notes with appreciation that many members of the Committee participated in the interactive dialogue and that the Committee considered the dialogue as frank and sincere.

The Government of Slovenia notes that the conclusions and recommendations do not reflect entirely the substance of the interactive dialogue and regrets that not all of the issues that found its place in the conclusions and recommendations were raised in the interactive dialogue. Thus the Delegation was not in a position to explain the views of the Government and its action taken in certain areas. Furthermore, information provided by the Delegation was not taken into consideration.

While taking note of the new act regulating the legal status of the erased, the Committee in its concluding observation expressed concern over the position of the citizens of other republics of former SFRY. In its introductory address and during the interactive dialogue, the delegation provided the Committee with detailed information on the measures that have been taken to resolve this issue. Pursuant to the 1991 Citizenship of the Republic of Slovenia Act, all persons who, in addition to the Yugoslav citizenship, also had the citizenship of another republic of the former Yugoslavia, were able to acquire the Slovenian citizenship under more favourable conditions. The number of persons who acquired the citizenship of the Republic of Slovenia in this manner was over 170,000. To persons who did not apply for citizenship or whose applications were rejected, permanent residence was terminated and they were transferred from the permanent population register to the aliens' register.

Being aware that the issue of the erased must be resolved, the Government has decided to implement the decisions of the Constitutional Court of the Republic of Slovenia. As of February 2009, pursuant to the decision of the Constitutional Court, the Ministry of the Interior has continued to issue supplementary decisions ex officio to the erased who already acquired permanent residence permits in the Republic of Slovenia. In addition to the 4,034 supplementary decisions that had been issued in 2004, 2,420 decisions were issued between February 2009 and 6 October 2010. Supplementary decisions establishing their permanent residence in Slovenia for the period between the erasure and the acquisition of permanent residence permits will be issued, ex officio, to all the erased persons who had already acquired a permanent residence permit in the Republic of Slovenia by the time the Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia came into force. In addition to issuing supplementary decisions, the Government of the Republic of Slovenia in 2009 drafted the Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia, which eliminates

the identified non-compliance with the Constitution of the Republic of Slovenia. The Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia was adopted by the National Assembly in March 2010 and entered into force on 24 July 2010.

The above act defines the conditions under which an alien who on 25 June 1991 was a citizen of another republic of former SFRY and does not yet have a permanent residence permit in the Republic of Slovenia may acquire one, regardless of the provisions of the Aliens Act. It further defines in which cases the citizens of other republic of former SFRY who were erased from the permanent population register are entitled to have a permanent residence permit and a registered permanent residence retroactively as well, i.e. from the termination of the permanent residence registration onwards (a special decision is issued in this case). Moreover, it defines the criteria to establish the fulfilment of the condition of actual residence in the Republic of Slovenia and the instances where an absence does not interrupt the condition of actual residence in the Republic of Slovenia. According to the act, persons not residing in the Republic of Slovenia will be able to acquire a permanent residence permit as well if they have been absent for justified reasons (e.g. have left the Republic of Slovenia due to the consequences of the erasure). They must move to the Republic of Slovenia within one year of acquiring a permanent residence permit. Failing to do so, their permanent residence permit will be revoked by the competent authority, while the special decision with retroactive effect will remain in force. The act also determines the new time limit for filing applications for the issue of permanent residence permits, which is three years.

Furthermore, the act newly regulates the issue of permanent residence permits for children of the erased persons born after 25 June 1991 who have actually resided in the Republic of Slovenia since birth. Moreover, the act newly regulates the issue of a special decision with retroactive effect for the citizens of the Republic of Slovenia who on Slovenia's independence were citizens of other republic of former SFRY and were erased from the permanent population register, after which they acquired Slovenian citizenship without having been issued a permanent residence permit.

In decision no. U-II-1/10-19 of 10. 6. 2010 (Official Gazette of the RS, no. 50/10), with which it ruled on the inadmissibility of the requested referendum on the Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia, the Constitutional Court also ruled that the act eliminated the unconstitutionality established in decision of the Constitutional Court no. U-I-246/02-28 of 3. 4. 2003 in a constitutional manner. At the same time it assessed that based on the act it would be possible to finally regulate the legal situation of those citizens of the republics of former SFRY who were erased from the permanent population register and have not yet regularised their legal status.

The Committee expressed concern that the new law did not envisage any outreach campaign directed towards the "erased". The outreach campaign is in fact one of the most important elements of the solution. Already before the new law entered into practice the Government has undertaken several steps to present it to all interested. The Delegation gave extensive and detailed explanation about the outreach campaign. The Committee was informed that a special brochure has been published and already distributed to all Administrative Units in the territory of Slovenia, to Diplomatic and Consular posts of the Republic of Slovenia in states of former Yugoslavia and to Slovenian NGO's. The sample of the brochure was handed over to the Committee. The Committee was also informed that all relevant information in six languages were available on internet pages of the Ministry of Interior and the MFA ([www.infotujci.si](http://www.infotujci.si)).

[www.mnzs.si](http://www.mnzs.si)), and that a special training for officials who would conduct administrative procedures for granting of the status to the persons concerned was carried out in July.

As regards the Roma community the Government of Slovenia appreciates the fact that the Committee in its concluding observations and recommendations welcomed the legislative and institutional development in combating racial discrimination of the Roma community in Slovenia. The Government of Slovenia notes that at the same time the Committee expressed concerns about different aspects of the situation of the Roma community in Slovenia. The recommendation No 9 stipulates that there is a segregation of Roma children in the school system. The Delegation informed the Committee about results of the measures undertaken so far and about the future plans concerning the education of Roma children. There is no segregation of Roma children in Slovenian schools. There are however special schools for children with disabilities (blindness, deafness etc.), where children can receive a special education.

The recommendation No 10 assumes that Slovenia places Roma in camps outside populated areas that are isolated and without access to health care and other basic facilities. If the Delegation would receive a question about this in the interactive dialogue it would be able to reply already at 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, but they do so only according to their own will. 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, the Government and municipal authorities have been striving, through positive measures, to accelerate the regulation and improvement of the living conditions of Roma, together with their better integration and the preservation of their culture and language.

The Government of the Republic of Slovenia is looking forward to the continuation of the dialogue with the Committee on the Elimination of Racial Discrimination.