

■ SLOVENIA

“On the erased side of the Alps”



Although political rights are mostly respected, other fundamental rights are consistently violated. Income inequality is growing as poverty spreads among the most vulnerable demographic groups – the elderly and the young, especially children. Employment discrimination against the Roma community remains common. Statistical data and other evidence that would document these issues are manipulated and suppressed. Even though the Constitution bans incitement to ethnic violence, hate-speech is emerging in media and blogs, and no measures have been taken to suppress it.

HUMANITAS Društvo za 'lovekove pravice
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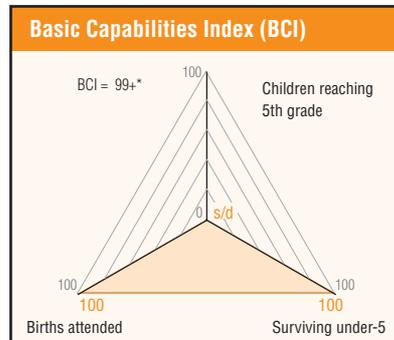
The Government's Statistical Office¹ has calculated that in 2004 approximately 12% of the population was getting by below the relative poverty threshold, set at EUR 5,278 (without social transfers and family income, the poverty rate would have jumped to 25%). The data also revealed yawning demographic disparities: Poverty rates were worst among the unemployed (25%), retired women (21%) and other economically inactive persons; even the self-employed had a surprisingly high rate (13%). Just a year later, the numbers were sharply higher –33% among the unemployed, 25% among retired women and 18% among the self-employed. The Government has not published more recent data.

The 2005 data revealed that poverty among the elderly and children had grown over the previous decade. In families with children where both parents were unemployed, the rate had climbed to 54% by 2004 and 59% in 2005; even among unemployed couples without children the rate was 31%.

NGOs working with marginalized groups and the Human Rights Ombudsman have condemned the social discrimination that leads to high levels of poverty and homelessness among the old, the ill, the Roma, mothers with young children and other social groups with minimal assets.

Tax reform and inflation

In 2005-2006 the Government introduced a series of reforms to simplify the tax system and boost economic growth. After considerable deliberation and public debate, it cut personal income tax brackets down from five, ranging from 16% to 50%, to three, ranging from 16% to 41%. Some of the country's leading economists warned that the reform was too narrow and might accelerate inflation. They were right. Prices leaped 6.4% in between February 2007 and February 2008 up from 2.4% during the previous 12 months. The cost of energy and basic foods (dairy



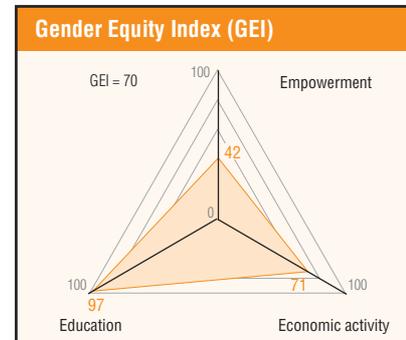
products, flour, oil and fresh fruit) soared between 25-30%. Although the tax reform was not totally to blame, the overall increase was the sharpest for any period since Slovenia began adhering to the Maastricht criteria. The vertiginous climb in the cost of staples undermined the fundamental right of the economically vulnerable, to access to healthy and nutritious food.

Unemployment and workers' rights

Although the government has provided subsidies to employers for hiring the long-term unemployed (290 grants totalling EUR 1.6 million are available for 2007-2008²), these incentives are clearly insufficient and fail to address the root causes of long-term joblessness. The Government has already raised the retirement age to 62 for women and 65 for men and is likely to up it further, but this will not solve the critical problems of the aging population and unemployment among the young. Even many who have jobs are angry. Conflicts with private employers and the Government have proliferated over the past two years, building to massive workers' demonstrations in November 2005 and 2007. More strikes were scheduled for 2008.

Suppression of unemployment statistics

In 2006-2007 official statistics showed a precipitous plunge in unemployment, from 91,889 (10.2% of the working population) in 2005 to 85,836 (8.6%) and only 72,573 (7.7%) in May 2007.³ However, this sta-



tistical decrease merely reflects a rise in the number of people dropped from the rolls, as shown by Urša Marn.⁴ A total of 22,617 people were cut in 2005 and 29,717 in 2006—an increase of nearly 30% in a single year. In the two years combined, 33,849 people were removed for breach of obligations (18,811 in 2006 alone), 73% of them for failure to report and 11% for refusing work – usually because it was below their qualification level.

Elimination of tens of thousands of people from the unemployment rolls has increased poverty and related problems; many of these workers and their families had depended heavily on social support from the employment office.

Immigrants

Threatening non-citizens with termination of their residency permit if they refuse jobs way below their qualifications constitutes an offence to the dignity of the individual. The unresolved status of non-citizens removed from the Slovenian registry of permanent residents 16 years ago (the so-called “erased”) remains a fundamental violation of human rights. At least 18,305 inhabitants lost their status in February 1992; about 1,000 of them remain in limbo, without any status whatsoever. Others have either received citizenship or managed to obtain some other status, typically a residency permit.

The “erased” were primarily people from other republics in the former Yugoslavia (mostly of non-Slovene or mixed ethnicity, including many members of Roma communities), who had been living in Slovenia and had not applied for or had been refused Slovenian citizenship after the country declared its

* One of the BCI components was imputed based on data from countries of similar level.

1 Employment Service of Slovenia: Labour Force Data. February 2008.

2 Employment Service of Slovenia: Javno povabilo delodajalcem za izvedbo projektov Usposabljanja na delovnem mestu za leto 2007/2008. December 2007.

3 Employment Service of Slovenia: Labour Force Data. February 2008.

4 Urša Marn: Krivi'en izbris. Kako je Janševa vlada umetno zmanjšala brezposelnost. Mladina, June 2007.

independence. As a result, they became de facto foreigners or stateless persons illegally residing in Slovenia, also losing their jobs, homes, social security etc. In some cases, the “erasure” was followed by the physical destruction of the identity documents, and others, belonging to the individuals concerned.⁵ In July 2005, the concluding observations of the UN Human Rights Committee, while acknowledging the efforts made by Slovenia on this issue, expressed concern for the situation.

In 1999 the Slovenian Constitutional Court ruled that the “erasure”, resulting from the failure of legislation to regulate the transitional legal position of citizens of other former Yugoslav republics who had been permanent residents in Slovenia, violated the principle of equality. The legal status of citizens from other former Yugoslav republics was less favourable than that of those who, foreigners before 1991, were automatically granted the right to permanent residence in Slovenia. Since that ruling, no law has been passed to end the situation. Those affected by the “erasure” continue to be denied access to other forms of reparation, including compensation. In his last report,⁶ the Slovenian Human Rights Ombudsman underlined that the Court’s decision should be respected and the status should have been resolved. The Government’s prolonged failure to do so represents a serious failure to observe rights enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR), especially the right to work, social security, health and education.

Roma

The Roma is one of the three ethnic groups specifically mentioned in the Slovenian Constitution, which foresees a special law regulating the special rights of this minority. So far, such law has not been adopted and the specific problems (e. g. education) are dealt with by issue-area laws. Two Roma-related cases exemplify the discrimination and intolerance this group suffers in South-Eastern Slovenia (Dolenjska). During the school year 2004-2005, one elementary school in Dolenjska created a special class for Roma children as non-Roma parents protested, claiming the number of Roma children at this school was “too high”. The second was the case of the Stroj family, who had to leave their home in the village Ambrus as a mob of local residents demanded they move, allegedly because of not respecting the law. In order to protect their lives and prevent any violence, they were removed from the family’s property to several different locations. In the end, they were granted

a permanent home in the outskirts of Ljubljana, in exchange for their property in Ambrus.

Hate-speech

At their meeting with UN High Commissioner for Human Rights Louise Arbour, held in Ljubljana in January 2008, NGOs pointed to the hate-speech surfacing in Slovene media (for instance, the case of the Stroj family, covered with hear-say and assumptions and insufficient critical insight) and the internet (e-forums, chat-rooms). The hate-speech targets vulnerable groups, such as homosexuals, the Roma, other Non-Slovene ethnicities (mainly people with ancestors in former Yugoslav republics) and foreigners, to name just a few. Although the Constitution (Article 63) bans any incitement to intolerance and discrimination, little or no legal action has been taken.⁷

Asylum seekers

Most of the 18,251 foreigners who immigrated to Slovenia in 2006 came from Bosnia and Herzegovina and Serbia and Montenegro. If Slovenia shows one of the lowest refugee recognition rates in Europe (only one asylum seeker was recognized as a refugee in 2006, and two in 2007) the International Protection Act, approved in January 2008, has risen serious human rights concerns. Although Slovene asylum legislation follows the common EU asylum policy, this Act transposes all EU asylum directives, the main one being the restricted access to asylum procedure, caused by accelerated procedures and possibilities to conduct procedures without a personal interview. Even more, basic human rights of migrants are at stake due to extended possibilities of detention and the lack of free legal aid at the first instances of the procedure. At some stages in the new process, appeals do not have a suspenseful effect; thus, even before their case has been evaluated, asylum seekers could find themselves returned to another country where their life or freedom may be threatened. Further, the law foresees the widespread use of detention for asylum seekers, with no exemption for persons with special needs such as families with children.⁸

Mental health legislation

At the meeting with Ms Arbour, NGOs stressed the need for improving the legislation in the field of mental health (treatment in psychiatric institutions, the need for “mobile” psychiatric service, the need to move the focus from mental “illness” to mental “health”). The Ombudsman’s February 2008 report

underlined the same issue in same issue. Mental illnesses/disorders still have a stigma and are not properly dealt with, neither by financing the medical assistance nor in the provision of drugs. Again, the poorer strata pay the utmost price.

Official development assistance

According to the official statistics, Slovenia’s ODA amounted to EUR 35 million or 0.12% of the GDP. Sixty percent or the EUR 21 million ODA was channelled through multilateral aid; EUR 14.8 million of them was the contribution to the EU budget. About EUR 11 million was channelled through bilateral aid, 83% of it to former Yugoslav republics and other East European countries, with Serbia being the largest recipient. According to expert Robin Dewa, at least 20% of the ODA is not quality aid, since administrative work, scholarships for foreign students in Slovenia, provision for asylum seekers and migrants are also included in it. Even more controversial is the inclusion of costs for training troops in Iraq and membership fees in organizations, such as OECD. The actual amount of Slovene ODA is much lower than the official one.⁹ ■

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6 Slovene Ombudsman of Human Rights: 2006 Report, July 2007.

7 Meeting with UN High Commissioner for Human Rights Louise Arbour, January 2008, private Humanitas minutes.

8 Peace Institute: Human rights resource point. An information source on human rights in Slovenia during Slovenian EU Presidency 2008. February 2008.

9 Robin Dewa: Preliminary data from Slovene ODA analysis. March 2008, personal communication.