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Slovenia: European Court of Human Rights demands justice be done to the erased

Amnesty International welcomes today's ruling of the Grand Chamber of the European Court of Human Rights in the case of *Kurić v. Slovenia*. The Grand chamber ruled that erasure – *unlawful removal of people from registry of permanent residents* - and its consequences constitute grave human rights violations.

Twenty years after 25.671 people were unlawfully removed from the Slovenian registry of permanent residents, the ruling marks the end of controversy over erasure. By ruling in favor of the erased, the Court clearly and thoroughly rejected arguments of Slovenian authorities claiming the erased were themselves to blame.

The deletion of thousands of people from the country's permanent residence registry is one of the gravest human rights violations in independent Slovenia. The authorities must recognize the discriminatory nature of its actions and conduct a thorough and impartial investigation of erasure and its consequences. The European court of human rights ruling is a clear message that redresses along international law standards, including restitution, satisfaction, compensation, rehabilitation and guarantees of non-repetition is long overdue.

Amnesty International is calling on the authorities to thoroughly study the Grand Chamber ruling and present measures for its implementation aimed at resolving the erasure without any delay.

Background information:

26 February 1992: Some 25,671 people – more than one per cent of Slovenian population – were unlawfully removed from the Slovenian registry of permanent residents – without notice, without due process of law and without the possibility to complain. The erased are mainly people from other constituent republics of the former Yugoslavia, who had been living in Slovenia but had not for various reasons acquired Slovenian citizenship after the country became independent.

Consequences: Erasure effectively deprived these people of their economic, social and political rights, forcing the erased to live at the margins of society or to migrate to other European countries - often pretending that they were refugees or even asylum-seekers. There were some cases of suicide and death due to poverty and lack of medical care. Many were forcibly removed from the country, even if they had spouses or children who were Slovenian citizens, thus effectively breaking up families.

1999 and 2003: The Constitutional Court of Slovenia decided twice that the erasure was illegal (first in 1999, again in 2003). It said that those affected should have their status of permanent resident reinstated retroactively from the day the records were deleted.

Consequences: Despite clear Constitutional Court decisions, they were not implemented for years, leaving approximately 13.000 remaining erased without any legal status in Slovenia in 2012. The reluctance over the years showed that the authorities failed to fully comprehend the erasure and the situation individuals are faced with.

2006: The case *Kurić v. Slovenia* originates in an application of 11 erased individuals against Slovenia from July 4 2006 to the European Court of Human Rights. After an initial examination, the court found the case admissible in relation to the right to an effective legal remedy, the right to private and family life and prohibition of discrimination.

2010: A special piece of legislation was passed, aiming at restoring legal status of the erased and at

implementing the Constitutional Court decisions, but its scope and execution remains a concern.

Consequences: The new legislation is restrictive and puts the burden-of-proof on the erased while not even exempting them from administrative fees. In addition, the publication of the new law abroad (where some of the erased live) was scarce at best and there are no special provisions for reunification of later-acquired families which effectively resulted in very low application numbers. According to the authorities' official records, in April 2012, there were only 170 applications filed by the erased, 17 applications of children of the erased and 42 filed by other individuals. Only 59 were positive, 83 denied or proceeding stopped and 87 are still pending.

2010: The first instance ruling in the case of Kurić v. Slovenia was issued by the court on 13 July 2010, ruling that Slovenia violated the rights to private and family life (Article 8 of the ECHR) and the right to an effective legal remedy (Article 13 of ECHR). At the end of 2010, both the Republic of Slovenia and the erased appealed to the ECtHR Grand Chamber and the public hearing in the matter was held on 6 July 2011.

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

email: press@amnesty.org

twitter: [@amnestypress](https://twitter.com/amnestypress)

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK