

José Manuel Barroso  
President of the European Commission

03 January 2008  
Our ref: B731

Dear Mr. Barroso,

**Subject: Continuing human rights violations suffered by "erased" persons in Slovenia.**

Ahead of your meeting, together with members of the European Commission, with the Prime Minister of Slovenia and members of the Slovenian Government on 8 January, Amnesty International would like to express our deepest concern regarding the "erasure" whereby 18,305 persons were illegally removed from the Slovenian registry of permanent residents in 1992. Due to this gross violation of human rights, thousands of the "erased" are still left without a legally regulated status both inside and outside Slovenia, some have become stateless. Even 12,000 of the "erased" who subsequently had their status regulated (because they obtained Slovenian citizenship or a permanent residence permit) continue to suffer from negative consequences of their erasure and have not been granted full reparation yet. The persistence of this human rights violation breaches the very essence of the EU as an "Area of Freedom, Security and Justice".

Two decisions of the Constitutional Court of Slovenia from 1999 and 2003, the report of the Council of Europe Commissioner for Human Rights from March 2006 and the concluding observations of the UN Committee on Economic Social and Cultural Rights from November 2005 clearly note the "erasure" as illegal and a human rights violation – both in character and in its ongoing negative effects. Similar conclusions and recommendations have also been issued by other UN Treaty bodies and by various institutions within the Council of Europe framework. Negative consequences have included human rights violations such as inadequate access to health care and education and loss of social security including pension rights.

Furthermore, there is a case pending before the European Court of Human Rights following an application by 11 "erased" individuals. In June 2007, the Court considered the case (Makuc and others vs. Slovenia) partially admissible for which the Court invited the Slovenian authorities to submit their opinion.

Slovenian authorities have failed to implement aforementioned recommendations, including direct and clear instructions by the Slovenian Constitutional Court. In this regard, Amnesty International follows closely the proceedings on the adoption of a special Constitutional law relating to the "erased". We consider that the draft of this law is not in line with relevant human rights standards, that it does not comply with the Constitutional Court's decision and other similar recommendations and that it should be retracted. Among other contentious issues, the draft law seeks to legalize the act of erasure *ex tunc*, denying acknowledgment of the "erasure" and denying appropriate redress including compensation.

As a member country of the UN Human Rights Council and currently holding the EU Presidency, Slovenia's conduct and lack of political will to properly resolve the issue sends the wrong signal to the international community regarding Slovenia's compliance to its obligations under international human rights law and its commitment to the promotion and respect of human rights.

Amnesty International calls on the Slovenian authorities to ensure that *ad hoc* legislative and other measures are adopted, granting full reparation, including restitution, satisfaction, compensation, rehabilitation and guarantees of non-repetition, to all individuals affected by the "erasure".

Such a solution should fully implement the decisions of the Constitutional Court and be in line with recommendations of both UN treaty bodies and the Council of Europe and therefore, demonstrating Slovenia's leadership in complying with EU fundamental values and its commitment to human rights.

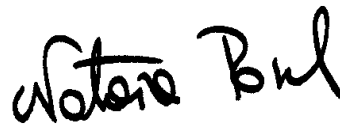
**At the same time, the European Union should maintain an active role to ensure speedy implementation of measures to remedy human rights violations of the past and prevent continuing abuses in the future. In particular, Amnesty International calls on the Group of Commissioners on Fundamental Rights to highlight to the Slovenian Government the "erasure" as a prime concern during your meeting in Brdo on 8 January. We urge you to obtain clearly benchmarked commitments from the Government of Slovenia to remedy this continued human rights violation and to put words into action at the beginning of the European Year of Intercultural Dialogue.**

Due to the complexity of this issue we are prepared to present additional explanations on this matter. Amnesty International could organize a brief meeting with our Slovenian office, other NGO legal experts and with directly affected "erased" persons during your official travel to Slovenia next week. Should you or any personnel from your office require additional information, please do not hesitate to contact us.

Yours sincerely,



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*Amnesty International EU Office*



Nataša Posel  
*Director*  
*Amnesty International Slovenia*

Cc:

Franco Frattini, Vice-President and Commissioner for Justice, Freedom and Security  
Benita Ferrero-Waldner, Commissioner for External Relations and European Neighbourhood Policy  
Vladimir Spidla, Commissioner for Employment, Social Affairs and Equal Opportunities  
Jan Figel, Commissioner for Education, Training, Culture and Youth  
Viviane Reding, Commissioner for Information Society and Media  
Siim Kallas, Vice-President and Commissioner for Administrative Affairs, Audit and Anti-Fraud  
Olli Rehn, Commissioner for Enlargement  
Louis Michel, Commissioner for Development and Humanitarian Aid  
Margot Wallstrom, Vice-President and Commissioner for Institutional Relations and Communication