



NEWS REPORT

Date: 7 April 2009
Expert: mag. Neža Kogovšek
Title: Discrimination on grounds of race/ethnicity
Country: Slovenia

Context

Issue at stake: Whether or not resettlement of a Roma family to a former refugee centre and preventing members of the family to return to their land constitutes discrimination.

Ground of discrimination: of Race/ethnic origin

Source: National equality body opinion No. UEM – 0921-3/2007-43, of 23 March 2009

Field: Housing

Legislative provisions: Article 4 of Implementing the Principle of Equal Treatment Act

Content

Case: The complaint filed to the Advocate of the Principle of Equality (herein under: the Advocate) claimed alleged discrimination on grounds of race or ethnicity of a Roma family. The complaint was lodged jointly by two non-governmental organizations (the Peace Institute and the Legal-informational Centre for non-governmental organizations –) on the 31 January 2007, in support of a Roma family. The case was not adjudicated in the mandate of the previous Advocate and was examined by the new Advocate on 1 October 2008.

The Roma family, consisting of more than 30 members, lived on their own land in barracks and tents. On 22 October 2006, R.Č. (not Roma), who also lived with the family, in presence of other Roma caused severe physical injuries to one local in their village near Ambrus. This incident provoked turmoil and fear among the locals and on 28 October 2006, about 200 of them gathered in front of the parcel of the Roma family and demanded they leave the village. Numerous police officers and government representatives were present for security reasons. The agreement was that the Roma family would be resettled in the former abandoned refugee centre until a permanent location for their residence is found. The family was escorted to the centre by police vehicles.

On 25 November 2006 the Roma family (still living in the refugee centre) tried to return to their land in the village near Ambrus but they were stopped by the police. Locals in Ambrus also gathered and set up barricades in order to prevent the family to return to their land. Members of the family met the government representatives again and on their recommendation returned to the accommodation centre.

The complainants claimed that the act of removal of the family, their settlement in the former refugee centre and prevention of their return to their own land constituted discrimination. They claimed that the family agreed to leave their land due to fear from protesting locals and that their consent was not informed and voluntary. The complainants also claimed that if the family was of Slovenian ethnicity in a similar situation, they would not be removed from their land, settled in a former refugee camp and prevented from returning to their land.

Decision of the Equality body: The Advocate stated that the former Minister of Interior talked with both the locals and the family, and the family allegedly voluntarily asked him to be resettled to another location. The Advocate stated that the complainants did not present some concrete examples of Slovenian families in a similar situation so he could not evaluate how the state authorities would act in the case of non-Roma families. He also stated that if the family remained in this village, other people could be endangered and in his opinion the resettlement was the best solution. He found there was no discrimination in this case since the living conditions were not worsened after the resettlement in the former refugee centre. Further the Advocate decided that the family was not treated less favourably when resettled to former refugee centre and there was no alleged discrimination on the grounds of ethnicity, claiming the state authorities would probably act the same if the family was not of Roma origin. Regarding the prohibition of returning to their land, the Advocate again found there was no discrimination on grounds of ethnicity, since everyone was prohibited from accessing this piece of land, therefore the family could not have been treated less favourably. In the opinion the Advocate stated: "The police had to take care of the security of people and assets and for that reason it used its legal authority, including limitation of movement on a certain area. If the area of Dečja vas and Ambrus was actually closed for all people and no exceptions were permitted, it is not possible to speak about discrimination, since the measure was carried out equally for all, both regarding the residents and the Strojani family."

Internet link source and additional information: Press release (The Peace Institute): <http://www.mirovni-institut.si/Izjava/Detail/si/izjava/Izjava-za-javnost-glede-mnenja-Zagovornika-nacela-enakost/>,
http://www.coe.si/sl/novice/izjava_gospoda_thomasa_hammarberga_komisarja_za_c_lovekove_pravice_na_novinarski_konferenci_v_ljubljani_16_novembra_2006/.

