



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Slovenia
<b>Title:</b>	Roma demanding access to basic public infrastructure
<b>Date:</b>	22 April 2015
<b>Expert:</b>	Neža Kogovšek Šalamon
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Roma community in a village in South-East Slovenia still without access to basic public infrastructure
<b>Ground of discrimination:</b>	Ethnic origin (Roma)
<b>Source:</b>	Ombudsman
<b>Field:</b>	Housing and access to goods and services (public infrastructure)
<b>Applicable law:</b>	The Roma Community Act

### Content

**Case:** A Roma community living in an unregulated settlement in the municipality of *Ribnica* has no access to basic public infrastructure (water, sanitation, electricity). Despite the lack of a regulated legal status of the settlement, enabling access to public infrastructure falls within the competence of the municipality.

According to paragraph 2 of Article 6 of the Roma Community Act, the municipality should solve this issue by adopting a detailed programme and measures to plan a strategy for legalising the Roma settlement and other positive measures for the implementation of special rights of the Roma community (in the fields of education, employment, social protection). As the municipality still did not adopt such a programme and did not ensure the Roma community to live in a village with access to basic infrastructure, a representative of this Roma community filed a complaint with the Human Rights Ombudsman.

After examining the case, the Ombudsman recommended to the mayor of the municipality to ensure access of the Roma community to basic infrastructure, especially water and sanitation, to invite representatives of Roma for a meeting and present to them options for permanent solutions, and to adopt a detailed programme and measures in accordance with Article 6 of the Roma Community Act.

The municipality did not respect these recommendations and replied that they do not see any legal grounds for legalisation of the settlement. The Ombudsman informed the Office for National Minorities about this situation and suggested that the Government adopts the necessary measures if the municipality continues to ignore this issue. The Ombudsman emphasised that the problem of the lack of access to water in the settlement is also highlighted in the 2014 ECRI report in which the Slovenian authorities are urged to ensure access to water for all Roma. The Office for National Minorities responded that access to water is in the domain of municipalities and that the government will not intervene. The Ombudsman addressed another letter to the Office of National Minorities as well as to

the Government, emphasising that in cases when human rights of Roma are violated and it is clear that the municipality will not address these violations, the government is obliged to ensure the realization of human rights. The Ombudsman's recommendations are not legally binding or enforceable.

**Key points of analysis:** The case concerns one of the settlements in South-East Slovenia which are lacking basic infrastructure. From the point of view of local authorities, access to such infrastructure is only allowed for legal buildings built on the basis of construction permits issued by the municipality. In case of Roma settlements such permits are often missing. Consequently, the municipalities refuse to provide the infrastructure as this would violate the law. Although the Ombudsman's decisions are not legally binding, the case is important because it is rare as members of the Roma community hardly ever use legal remedies to advance their rights.

**Internet link source:**

Decision of Human Rights Ombudsman: <http://www.varuh-rs.si/medijsko-sredisce/aktualni-primeri/novice/detaji/ureditev-bivalnih-razmer-prebivalcev-romskega-naselja-gorica-vas/?cHash=0be04a77d3c2ee1595bd87839642747f>

The Roma Community Act: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4405>