
THE ERASED

Mag. Neža Kogovšek, ll.m.

E-mail: neza.kogovsek@mirovni-institut.si

The Peace Institute

Ljubljana, 22 November 2007

1. Who are the erased?

- **18,305 persons** erased from the Register of Permanent Residents on 26 February 1992
 - Nationals of former SFR Yugoslavia with:
 - **permanent residence** in Slovenia before 1991
 - non-Slovenian republican citizenship (Bosnian-Herzegovinian, Croatian, Macedonian, Montenegrin, Serbian)
 - Predominantly **ethnic non-Slovenes** (Albanians, Bosniaks, Croats, Macedonians, Montenegrins, Roma, Serbs etc.)
-

2. Preconditions for the Erasure

- 1974 SFRY Constitution: **Dual citizenship** (federal and republican)
 - 1975-1979: Republican laws on citizenship adopted
 - The principle **ius sanguinis** (“blood”, descent)
 - **Dissolution of SFRY**, establishment of independent Republic of Slovenia in June 1991
-

3. Legal Causes of the Erasure

- Citizenship Act of RS, Art. 40: **Conditions for Slovenian citizenship** for citizens of other republics: permanent residence, factual living in RS, 6-months deadline
- **Later restrictions**: applicants must not pose threat to national security and public order
- **170,000 citizenships** issued → Need for demonstrating Slovenia is a democratic state governed by the rule of law before the international community

3. Legal Causes of the Erasure

- On 26 February 1992 citizens of other republics with permanent residence who hadn't applied for nationality or who had been rejected, became **“new” foreigners**
 - 1991 Aliens Act did not provide for transitory status nor for the automatic acquisition of alien status for SFRY nationals → rejection of amendment to Aliens Act, **legal gap** created
 - Secret order of the Ministry of Interior → local administrative units physically **transferred** the names of SFRY nationals from the registrar of nationals to registrar of foreigners with no legal status
-

4. Consequences of the Erasure

- **Losing permanent residence** with all rights and entitlements attached to it (social assistance, health care, family benefits etc.)
 - Became **“illegal aliens”** subject to expulsion from the country; families separated, freedom of movement restricted, lost jobs, housing rights, pension rights, right to higher education etc.
 - Frequently **harrassed**, in some cases tortured by the police
 - Obligated to settle their alien status **anew**
 - Personal **documents destroyed** by the officials
 - Thousands of the erased **left** Slovenia
-

5. Socio-Political Causes of Erasure

- **Racism** (in form of “balkanism”) against residents originating from other parts of former SFRY
- The idea of “European, civilized, peaceful, rational” **Slovenes** **vs.** “primitive, violent, irrational” peoples from the **Balkans** → construction of symbolic “Other”
- Popular **dissatisfaction** with high number of ethnic non-Slovenes → citizenship understood in terms of ethnicity
- Erased were the **scapegoats** for 171,000 conferred citizenships
- Silent political consensus reached to **“cleanse”** the new state at least of those not enjoying the citizenship protection

6. Legal Solving of the Issue of Erasure

- **1999 and 2003 Constitutional Court decisions**: required the restoration of the status of the erased retroactively
- **1999 Act**: enabled acquisition of permanent residence; condition: factual uninterrupted living in Slovenia (didn't restore the status from 1992)
- **“Technical” and “systemic” bills** prepared following the 2003 CC-decision – not adopted
- **Referendum** in April 2004 against the “technical” bill (94,7% voted against)

6. Legal Solving of the Issue of Erasure

- **“Systemic” bill** wasn't voted in the parliament (elections in 2004); although restrictive in nature blocked by the then opposition (now parties in the government)
- **Constitutional Bill** prepared by the current right-wing government → revision of issued supplementary decisions, evasion of CC-decision, legitimization of erasure, exclusion of the government officials from responsibility
- **European Court of Human Rights**: all cases dismissed as inadmissible, in July 2006 Italian human rights lawyers submitted a collective law suit with the most urgent cases

7. Hate-Speech and Intolerance against the Erased

- **Public discourse** stigmatized the erased as traitors, aggressors, swindlers etc. → “elusive” enemies
 - Politicians **manipulated** with the voters on the issue of compensation
 - **Criminal indictment** against the president of Slovene National Party Zmago Jelinčič as they were inciting to killing the erased
 - In some towns local residents were **inciting** against the erased
-

7. Hate-Speech and Intolerance against the Erased

- Speech of MP Sašo Peče in October 2003:
“In every society there are the dregs. Alas! As a general rule, all societies are pertaining to decrease the quota of those. According to our opinion, with this [systemic] law you will increase the quota of these dregs. And it is absolutely horrifying that the Slovenian state will award these subjects through increased tax rates. If that is the decision of the Slovenian state or of the Slovenian politics, the Slovenian National Party will by no means support it. In the Slovenian National Party, of course, we have a different solution for these subjects.”
-

8. What is the erasure?

- Institutionalized racial discrimination
 - Gross human rights violation
 - Politics of exclusion
 - Administrative ethnic cleansing → (Regressive) identity politics
 - Civic death (massacre at symbolic level)
-

9. How was the erasure possible?

- Legitimized by the **highest authorities** of state power
- **Coordinated work** of administrative units, police, courts → actions and tasks were carried out “in accordance with law”
- **Victim-centred identity** and organized “collective innocence” (Slovenes have always been victims, they never hurt anyone; belief in Slovenian natural goodness)
- **Division** on those who earned the inclusion and those who have not (didn’ use the given opportunities for citizenship)
- The erased were **dehumanized** through racist discourse aimed against ethnic non-Slovenes
- Erasure **negligible** compared to mass crimes in the Balkans

10. Towards the solution:

- Peace institute project: “The Erased People of Slovenia – A Challenge for a Young Nation-State”
 - Field research and documentation
 - Legal action / Strategic litigation
 - Exhaustion of domestic remedies
 - European Court of Human Rights
 - Third party interventions
 - Lobbying
 - Awareness raising: conferences, trainings
 - Other important activities
 - Associations of the erased
 - Civil society actions (caravan, week of the erased, documentaries, theatre)
-

Thank you!

neza.kogovsek@mirovni-institut.si
