

<p style="text-align: center;">QUESTIONNAIRE OF THE SPECIAL RAPPORTEUR ON THE RIGHT TO ADEQUATE HOUSING – reply by SLOVENIA</p>
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1. Are there laws/regulations recognizing or ensuring legal security of tenure for all the population, and/or for specific individuals or groups?

Legal security of tenure is provided by the Housing Act (Section VI: Housing leasing relations) and the Property Code.

The Property Code protects possession and ownership for everyone without discrimination.

- Ownership is the right to possess a thing, to use and enjoy it in the fullest manner, and to dispose of it.
- Possession is direct, actual control over a thing (direct possession). Possession is also held by a person who exercises actual control over a thing through another person who has direct possession based on any form of legal title (indirect possession).

2. Are there laws or regulations offering protection from forced eviction or involuntary resettlement?

Housing Act stipulates conditions that have to be met when a tenancy agreement is terminated. Tenancy agreement can only be terminated by court procedure, which gives great protection to tenants who can't be evicted before judicially established grounds for eviction.

The Property Code offers different types of protection to the owner and the person in possession of the property:

- Self-help for possessor (Art. 31)
 - The possessor (including the owner in possession of the property) has the right to self-help against a person who without justification disturbs his possession or deprives him of it, on condition that the danger is direct, that the self-help is immediate and urgent and that the method of self-help is appropriate to the circumstances in which the danger exists.
- Judicial protection for possessor (Art. 32, 33)
 - Judicial protection against disturbance or deprivation of possession can be claimed within thirty days of the day on which the possessor learned of the disturbance and of the perpetrator and no later than one year after the disturbance originated.
 - The court shall give judicial protection with respect to the last state of the possession and any disturbance that has occurred. In this regard the right of possession and the good faith of the possessor are not taken into account.
- Judicial protection for the owner (Art. 92, 93)
 - The owner may demand a return of each individually specified thing from anyone (including property), by which he needs to prove that he has the right of ownership and that the thing is in the actual possession of the defendant.
 - This right is not a subject to the statute of limitations.

- There are some limitations to this right, such as the objection of a direct possessor, who may refuse to deliver a thing to its owner if he or the indirect possessor from whom he is exercising the right to possession is entitled to possession.

3. Which groups/individuals do the legislation mentioned in questions 1. and 2. Protect?

- Tenants
- Informal settlers
- Those with mortgage defaults
- Other groups mentioned in question 4

The Property Code applies to possessor and the owner.

4. Is there any data or estimated figure for the number of those with insecurity of tenure

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5. What kind of tenure rights are foreseen or recognised in legal or administrative instruments for those informally occupying land or housing?

None.

6. Are there any policy, project, or programme in place or being developed to recognize, record, register or regularize tenure rights of urban poor living in informal tenure arrangements, including in informal settlements?

With a view to improving the situation of the Roma community in Slovenia, the Slovenian Government adopted, in March 2010, the National Programme of Measures for Roma for the Period 2010–2015 aimed at granting the justified needs of members of the Roma community and improving living conditions of members of the Roma community in Slovenia, their quality, faster and easier integration into society at the concurrent preservation of their linguistic and cultural features in compliance with the needs expressed by Roma themselves. The National Programme defines 6 strategic goals, the first one being »improving the living conditions of members of the Roma community and organising the Roma settlements«. Three specific measures have been defined within this goal, as follows:

- 1. Drafting a comprehensive strategic framework as the basis for specific programmes and projects of organising Roma settlements. Defining the areas of Roma settlements and their rehabilitation as part of the procedure for the drafting of the municipal spatial planning document (legalisation of Roma settlements);*
- 2. Implementation of indicated solutions, objectives and tasks as prepared by the Expert Group for Addressing Housing Issues of Roma Settlements within the scope of drafting municipal detailed spatial planning documents for individual Roma settlements;*
- 3. Implementation of financial measures for the development of areas populated by the Roma community in Slovenia.*

Each of the measures lists objectives, indicators, schedule and explanation, the responsible authorities, the required funds, and financial sources. In all three key measures regulating the living conditions, the authorities responsible for their implementation also include municipalities with Roma population.

The Slovenian Government has already adopted two reports on the situation of the Roma community in Slovenia regarding the implementation of measures under the National

Programme and the provisions of the Roma Community Act (Official Gazette of the Republic of Slovenia No. 33/2007); the first report was adopted in October 2010 and the second in November 2012). The Slovenian Government is committed to monitoring the implementation of the National Programme and the Roma Community Act by the Act itself.

- 7. Is there any land reform programme or policy in place or being developed (for instance land management systems, changing land regimes)? Does it include specific provisions or processes to recognize and register the rights of urban poor, in particular those living in informal settlements?**

None.

- 8. Does the State development agency/programme finance and support the development and implementation of policies/projects/programmes that explicitly recognize record, register or regularize the tenure rights of urban poor, in particular those living in informal settlements? Please refer to relevant initiatives and programmes.**

In the field of international development cooperation the thematic priorities do not explicitly include housing and the tenure rights of urban poor, in particular those living in informal settlements. The Resolution on International Development Cooperation, which is the key strategic planning act of the Republic of Slovenia until 2015, in this field defines the thematic priorities which are: social services, in which Slovenia has a comparative advantage in relation to other donors, economic services and infrastructure, multi-sectorial and horizontal forms of assistance.

However, Slovenia has also supported few projects addressing the housing issue. One such example is the development project in Kosovo »Roma, Ashkali, Egyptians Housing and Integration Project (RAE-HIP) in Djakovica«.

- 9. Do urban planning laws/regulations, at national or local level, include pro-poor land use instruments, such as inclusionary zoning, quota for social housing in residential developments or other?**

No.

- 10. Please provide information on any housing policies or programmes aimed at promoting forms of tenure alternative to individual freehold, such as rental, communal or cooperative tenure.**

National Housing Programme 2013-2022 is under preparation and among other housing related topics will also promote alternative housing organisations such as housing cooperatives. New legislation will have to be prepared or changed/adjusted accordingly.