

Slovenian tenants and human rights

In June 2014, after ten years, the European Court of Human Rights, ECHR, ruled with its final judgment in favour of the Republic of Slovenia and considered that the state had not violated the human rights of applicants – tenants of denationalised, restituted, dwellings.

The whole procedure began with a so called collective complaint, which was filed in March 2004 by 429 citizens, all members of the Association of Tenants of Slovenia. This complaint against the Republic of Slovenia, under Article 34 of the European Convention on Human Rights, stated that, due to the housing reform in year 1991, these citizens were deprived of their properties and homes. The complaint also said that these tenants were discriminated against in comparison to other categories of tenants, who were able to purchase their rental dwellings. Also, the complaint said that these tenants had no access to the courts, when they wanted to contest violation of their rights and that they were deprived of effective legal remedies.

We, Slovenian tenants, were not only surprised, but also horrified by the decision of the ECHR. This decision was not expected due to the fact that the European Committee of Social Rights of the Council of Europe, in September of 2009, fully consented to the statements of the tenants – that the human rights of former holders of specially protected tenancies were indeed violated. We were not able to imagine that it was possible that two completely opposing legal interpretations of the same content could be rendered so differently by two European institutions that work under the same roof.

The judgment had, and will continue to have, serious consequences; the ECHR has by this judgment given Slovenian authorities a free hand with further violations. The decision means that they will neither acknowledge nor remedy the inflicted injustices.

Due to the process of ownership transformation, restitution, of publically-owned dwellings in 1991 we have in Slovenia an unfavourable ratio between dwellings that are housed by owners and those by tenants. In Slovenia, 90 percent of all dwellings are for homeownership, and only 10 percent are rental dwellings. After 1991, most publically owned dwellings were purchased by the sitting tenants, but this was not possible for tenants of denationalised dwellings, in formerly privately owned houses. As a consequence, there is a great lack of rental dwellings, most of all for non-profit ones.

Due to the privatisation of publically-owned dwellings after 1991, about 90 percent of all dwellings are today owner occupied, and only 10 percent are rental dwellings. Privatisation was not possible for tenants of denationalised dwellings, in houses privately owned before 1945. The housing sector in Slovenia is neglected, and political parties have shown little interest in housing for several years.

A National Housing Program was passed by Parliament in November 2015 – a program which consists of a list of wishes and unfunded programs. Like going shopping without money! The National Housing Program emphasises that there is a lack of rental homes and that they need to be built. But, this and the next years' budget do not contain any means for this purpose. At this moment, the Republic of Slovenia earmarks for the housing only 0,02 % of GDP.

The National Housing Program aims also to abolish non-profit rents and replace them with so called “expense rents”, based on market value and a calculated profit for the landlord. It is assumed that these “expense rents” will be 25 percent higher than today's non-profit rents. Such “expense rents” would drastically worsen the situation for this category of tenants, of whom approximately one third cannot pay regularly even today's non-profit rents and other housing related costs.

A housing supplement is intended to assist financially and socially weak households, yet there is a grounded apprehension that there will not be sufficient funding for everybody who will be in urgent need of it. An entitlement of a housing supplement will depend on the general public financial situation of the state. And we know already today that the state's financial situation is weak.

There are about 20,500 publically owned rental dwellings in Slovenia, of which only some 8,000 households received housing supplements in 2014. Of all OECD states, Slovenia has the third lowest percentage of non-profit rental dwellings, and the lowest percentage of tenants who benefit from housing supplements.

There are now 6,600 applicants waiting for a non-profit dwelling. But as only some 450 non-profit dwellings per year were released during the last six years, the waiting period is very long. We would need at least 8,000 new rental dwellings to fulfil the necessary needs of our population.

The ECHR judgment is based on the finding that human rights in the Republic of Slovenia were violated. But, that the Slovenian government has satisfactorily solved the situation for tenants in denationalised, restituted, dwellings by guaranteeing them the possibility to have non-profit rents, together with leases for an indefinite period of time.

The Republic of Slovenia has, encouraged by ECHR's judgment and the National Housing Program, interfered with so far existing rights of tenants of denationalised dwellings and deprived them of non-profit rents and a leasing status for an indefinite period of time and will obviously pave their path to homelessness.

The Association of Tenants of Slovenia is the only tenant organisation in the country and our suggestions are, as a rule, not considered when housing legislation is discussed. Following examples of good practises of neighbouring countries, we, representatives of tenants, have suggested that tenants are to be included in the decision making processes on housing policies. We suggest the formation of local tenant organisations, co-financed by the local authorities. Such local organisations could represent tenants in cases of violations of housing legislation, and intervene in cases of owners' misconduct.

These local tenant organisations could offer free legal assistance, monitor the level of rents and by that define exorbitant rents, which are not monitored today. As a reaction to our proposals the responsible Ministry answered that such measures would favour tenants over landlords.

Up till this day, the state has done nothing to legally secure tenancy rights in Slovenia, and the only way for a tenant to dispute landlords' doings is via the courts. But, to take legal actions against a landlord, is unaffordable to most tenants. And also not possible because the majority of the leases are for one year, and most court cases usually take over one year to conclude.

A tenant in public housing has generally no possibility to express his or her views regarding the standard of the dwelling. Likewise, tenants have no say when it comes to issues such as renovation of public rental housing, including renovation for energy-saving measures.

For the described poor conditions of the rental sector in Slovenia the politicians are the first to be blamed. The government allows itself not to be disturbed by 9 percent of constituencies. But also tenants themselves are to be blamed as they do not show a will to organise themselves as a civil society on not even a regional scale and firmly demand that they should be taken into account as equal members of our society.

By Tanja Šarec, President of the Association of Tenants of Slovenia, December 2015.