

Ref: CommHR/DM/sf 007-2024

Mr Robert GOLOB
Prime Minister of the Republic of Slovenia

Strasbourg, 15 January 2024

Dear Prime Minister,

As Council of Europe Commissioner for Human Rights my mandate is to foster the effective observance of human rights in all 46 member states of the Council of Europe, including through dialogue with the member states' governments and thematic work. I am writing today to draw your attention to an Issue Paper which I released at the end of last year as part of my work on transitional justice – an area of human rights that relates to states' obligations to address gross human rights violations and international crimes through holding the perpetrators accountable, providing reparations for the victims, truth-seeking and guarantees of non-recurrence.

A first Issue Paper on [Post-War Justice and durable peace in the former Yugoslavia](#) was published in 2012 by my predecessor Thomas Hammarberg, and a decade later, I am examining these issues again and evaluating the current situation in this new publication entitled "[Dealing with the Past for a Better Future: Achieving Justice, Peace and Social Cohesion in the region of the former Yugoslavia](#)". Building on the long-standing work by the institution of the Commissioner for Human Rights on transitional justice issues, it examines, from a regional perspective, the state of play of processes to deal with gross human rights violations committed and grave breaches of international humanitarian law in the 1990s and early 2000s.

With this letter, and others I am sending to the Prime Ministers of the concerned Council of Europe member states, allow me to share some of the key findings of the Issue Paper, followed by some brief discussion of the significant role that I believe Slovenia can play in helping the region move more resolutely toward justice and reconciliation.

Key findings from the Issue Paper

The Issue Paper begins with highlighting the significant lessons to be learned from the region regarding the fight against impunity through international and domestic war crimes trials, the search for missing persons, the role played by civil society, the need for long-term international engagement and the handling of conflict-related sexual and gender-based violence.

However, it is my assessment that, instead of accelerating to reach completion, processes to deal with the past have slowed down or stagnated in recent years. I find particularly concerning, in several countries, the return to ethno-nationalist discourse, denial of wartime atrocities and the glorification of war criminals by political leaders and other influential societal actors such as the media, religious leaders and other public figures. This is contributing to a sharp rise in hate-speech, and inter-ethnic intolerance and an increasingly hostile environment for human rights defenders working on dealing with the past.

In this context, it is necessary to stress that dealing with the past is not a past-oriented endeavour that would somehow stand in the way of countries moving forward, but on the contrary, it is a pre-condition for building cohesive, democratic societies grounded in respect for human rights and the rule of law. There are considerable linkages between the failure to fully deal with the past and current human rights challenges in the region, such as rising hate speech and discrimination, the weakness of rule of law institutions, challenges to freedom of assembly and civic space, threats to media freedom and gender-based violence.

In the final part of the Issue Paper, I underscore the responsibility of national authorities in the respective countries to take measures to curb these negative developments and to promote an inclusive and human rights based approach to dealing with the past in order to truly advance justice and reconciliation among people. In this regard, I urge renewed efforts on war crimes trials, reparations, the search for missing persons and truth-seeking, which would truly centre around the needs of victims – irrespective of their ethnic background and with particular attention to those who tend to be forgotten. I also call for an urgent focus on the intergenerational dimension of dealing with the past, by involving young people and equipping them with the competencies to build peaceful, cohesive societies through integrated education, truthful history teaching and inclusive memorialisation. Providing an enabling environment for human rights defenders and enhancing regional co-operation are other important recommendations.

The role of Slovenia

While I consider it important that the Issue Paper encompasses all countries that once belonged to Yugoslavia, it clearly acknowledges that the conflict in Slovenia was of a much smaller scale than in other countries of the region and therefore issues related to dealing with the past are of a different nature.

One topic related to dealing with the past which my Office has consistently monitored in Slovenia is the situation of citizens from other Yugoslav republics residing in Slovenia who were removed from public registries after Slovenia's declaration of independence in 1991, the so-called "erased". The Issue Paper welcomes the state apology extended by former President Borut Pahor to the erased in 2022. I also welcome the recent inauguration of a Memorial to the "erased" in Ljubljana and I am aware of a bill proposed by President Pirc Musar, which would address pending issues for those who were never able to regularise their status. I hope it will be adopted promptly.

More generally however, I want to emphasise that Slovenia is uniquely placed to help promote a shift in the approach toward dealing with the past in the region. As a former part of Yugoslavia and now a member state of the European Union committed to the protection of human rights, Slovenia has a distinctive position to engage with other states of the region and to encourage them to abandon ethno-nationalist narratives and instead foster reconciliation and uphold human rights. This is a crucial step for all states of the former Yugoslavia to share a peaceful common future. Your government's principled stance on these matters and ongoing engagement are already highly appreciated.

I look forward to hearing your views and potential suggestions on the way forward on these important matters.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dunja Mijatović', with a stylized flourish at the end.

Dunja Mijatović