



Ms Anja Kopač Mrak  
Minister  
Ministry of Labour, Family, Social Affairs  
and Equal Opportunities  
Kotnikova 28  
1000 Ljubljana, Slovenia  
[gp.mddsz@gov.si](mailto:gp.mddsz@gov.si)

In Brussels, 1 December 2017

## OPEN LETTER AGAINST PLANS TO BUILD A NEW INSTITUTION

Dear Minister Mrak,

We are writing on behalf of the European Network on Independent Living (ENIL), Mental Health Europe (MHE) and Autism Europe (AE), to express our **concerns about the plan to build a new institution for persons with disabilities in Ponikve**. This would seriously undermine the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) in Slovenia, and goes against your country's commitment to deinstitutionalisation, and the development of community-based alternatives to institutional care.

It has been brought to our attention that the **Call No. 4301-1/2017**, published on 24 October 2017, includes the demolition of old buildings and the building of new facilities on the grounds of an institution for persons with disabilities in Ponikve. It is our understanding that the new facilities will accommodate around 80 individuals.

As a State Party to the CRPD, Slovenia is **obliged to ensure access to independent living to all persons with disabilities**. The General Comment No 5 on Article 19 CRPD<sup>1</sup> explains that this includes an obligation to "ensure that public or private funds are not spent on maintaining, renovating, establishing, building existing and new institutions in any form of institutionalisation" (§51). It goes on to state that any available funding should be used "to develop inclusive and accessible independent living services" (Core elements, §38(h)). The positive measures to be taken by the State Party include "deliberate and immediate steps to reallocate funding into realising the possibility of persons with disabilities to be living independently in the community" (§59). Finally, the General Comment No 5 explains that the duty of progressive realisation "entails a presumption against retrogressive measures in the enjoyment of economic, social and cultural rights" (§44).

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<sup>1</sup> Please see: <http://www.ohchr.org/Documents/HRBodies/CRPD/CRPD.C.18.R.1-ENG.docx>

Moreover, as a Member State of the European Union, Slovenia has an **obligation to implement the EU law and policy in this regard**. We therefore remind you that the EU has made a series of commitments, as a State Party to the CRPD, in the European Structural and Investment Funds (ESIF) Regulations, the EU Disability Strategy 2010 – 2020 and most recently, the European Pillar of Social Rights, to promote the right of persons with disabilities to live independently in the community.

ENIL, MHE and AE are extremely disappointed that the **work that has been undertaken in the last decade to promote access to independent and community living for persons with disabilities in Slovenia is jeopardised by such blatant support of the continued segregation and social exclusion**. We are also concerned that the institution benefitting from the investment has received substantial criticism for the treatment of its residents and poor management, among other<sup>2</sup>.

Considering that **Slovenia's initial review by the Committee on the Rights of Persons with Disabilities** will be concluded in February 2018, this is a good opportunity to redirect the funds into community-based services for persons with disabilities, and ensure access to independent living to more persons with disabilities.

**Therefore, ENIL, MHE and AE call on the Slovenian Government to:**

- Cancel the Call No. 4301-1/2017 before the deadline on 12 December, and **publish a new call aimed at supporting community-based alternatives to institutional care**;
- Ensure that **any funding invested into services for persons with disabilities complies with Slovenia's obligations under the CRPD and as a member of the European Union**;
- Take immediate steps to **accelerate progress towards deinstitutionalisation**, by adopting an action plan for the closure of institutions, the development of community-based services and for ensuring that mainstream services and facilities are accessible to persons with disabilities;
- Work in **co-production with organisations of persons with disabilities and other stakeholders**, which actively promote the right to independent living for *all* persons with disabilities, and deinstitutionalisation, including measures to facilitate the transition from institutional care to community living.

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<sup>2</sup> Please see: <http://www.delo.si/novice/slovenija/vlada-razresila-tri-clane-sveta-zavoda-prizma-ponikve.html>, <http://www.delo.si/novice/slovenija/stanovaclci-bivalnih-enot-placujejo-tuje-napake.html>, <http://www.delo.si/novice/slovenija/ministrstvo-je-moralo-vedeti-za-nepravilnosti.html>, <http://www.delo.si/novice/slovenija/financni-polom-drzavnega-zavoda-prizma.html>

ENIL, MHE, AE and our member organisations in Slovenia, stand at your disposal should you need any assistance in this process. Thank you for your consideration.

Sincerely,

Maria Nyman

Zara Todd  
Director  
ENIL

Maria Nyman  
Director  
Mental Health Europe

Aurelie Beranger  
Director  
Autism Europe

**Copy to:** European Commission, DG EMPL and DG Regio  
CRPD Committee Secretariat  
UN Special Rapporteur on the Rights of Persons with Disabilities  
Council of Europe Commissioner for Human Rights

#### About the sending organisations

**The European Network on Independent Living (ENIL)** is a Europe-wide network of disabled people, with members throughout Europe. ENIL is a forum for all disabled people, Independent Living organisations and their non-disabled allies on the issues of Independent Living. ENIL represents the disability movement for human rights and social inclusion based on solidarity, peer support, deinstitutionalisation, democracy, self-representation, cross disability and self-determination. For more information: [www.enil.eu](http://www.enil.eu)

**Mental Health Europe (MHE)** is a European non-governmental network organisation committed to the promotion of positive mental health, the prevention of mental distress, the improvement of care, advocacy for social inclusion and the protection of human rights for (ex)users of mental health services, their families and carers. MHE's membership includes associations and individuals active in the field of mental health in Europe, including people with (a history of) mental health problems, as well as volunteers and professionals in a variety of related disciplines. For more information: <http://www.mhe-sme.org/>.

**Autism-Europe** is an international association whose main objective is to advance the rights of autistic people and their families and to help them improve their quality of life. It ensures effective liaison among [almost 90 member autism organisations in from 38 European countries](#), including 26 Member States of the European Union, governments and European and international institutions. For more information: <http://www.autismeurope.org>