

Jorge Araya

Secretary of the CRPD Committee

Human Rights Treaties Branch

Office of the High Commissioner for Human Rights

UNOG-OHCHR,

CH-1211 Geneva 10

Switzerland

Številka: 7/2023 - MV

Datum: 30. 03. 2023

List of issues prior to submission of the periodic report of the Republic of Slovenia : Committee on the Rights of Persons with Disabilities

1. General obligations (arts. 1-4)

- ✓ When a cross-cutting, comprehensive review of the legislation, disability policies and programmes to ensure full harmonization with the Convention shall be conducted?
- ✓ What measures are in place to ensure that the announced systemic reforms of health-care, tax, education, pension and disability insurance legislation shall not result in the reduction of rights of people with disabilities currently laid down in the relevant legislation?
- ✓ What mechanisms are in place to closely consult with and actively involve persons with disabilities through their representative organizations in all decision-making processes concerning issues relating to persons with disabilities. Please provide also information on the funding of these mechanisms.?
- ✓ Please provide information on measures taken to establish a body (cross-sectoral focal point) to coordinate all non-discriminatory and disability policies at the government level?
- ✓ What are the measures taken and time frame to ensure the effective implementation of the Convention?

2. Equality and non-discrimination (art. 5)

- ✓ What measures shall be taken to ensure that disability is understood and accepted in society?
- ✓ What additional measures shall be adopted to reduce the extent of disability-based discrimination?

3. Women with disabilities (art. 6)

“NIČ O INVALIDIH BREZ INVALIDOV!”

- ✓ What measures are taken to adopt and implement the equal opportunities strategy for women and men with disabilities (there is no strategy to prevent and eliminate domestic and gender-based violence with a focus on the vulnerabilities of women and girls with disabilities)?
 - ✓ What measures are planned to improve the protection of women with disabilities against the exploitation, violence and abuse, given the tendency of the increase in the incidence of violence against this population?
 - ✓ What are the mechanisms to include women and girls with disabilities in the implementation and evaluation of the in the gender equality policies?
4. Children with disabilities (art. 7)
- ✓ What measures are taken to improve the prevention of violence against children with special needs in foster care?
 - ✓ When will the by-laws of the Act Regulating the Integrated Early Treatment of Preschool Children with Special Needs be adopted to enable the Act to be implemented?
 - ✓ When will the assistance to families of children with special needs be arranged as an occasional family support with a family assistant?
5. Awareness-raising (art. 8)
- ✓ What measures are planned to be taken to raise awareness among society about disability and the rights of persons with disability, to foster respect of people with disabilities in all areas of life and to overreach stereotypes and prejudices about people with disabilities?
 - ✓ In what way and what amount of funding will be provided for campaigns and activities to raise awareness among society in the areas of disability, and rights of people with disabilities?
 - ✓ What measures are or shall be taken to train staff and professionals on the rights of people with disabilities?
 - ✓ When mandatory contents on the rights and equal opportunities of persons with disabilities into society and work processes shall be integrated in the curriculums of education programmes?
 - ✓
6. Accessibility (art. 9)
- ✓ In what time frame will the "Accessible Slovenia" strategy be fully implemented? t?
 - ✓ What measures are taken to accelerate the full implementation and the enforcement of obligations and deadlines set for ensuring accessibility to public transport, facilities in public use and other goods and services in the Equalisation of Opportunities for Persons with Disabilities Act?
 - ✓ Whether and how accessibility for persons with disabilities is considered in public procurement processes, in particular in drafting technical specifications and as a selection criterion?
 - ✓ What are current and planned legislation and other measures, if any, that would extend accessibility rights of persons with disabilities to those areas that the European Accessibility Act does not cover sufficiently, such as accessibility of the built environment, including historical sites and buildings, bathrooms, infrastructure and vehicles of public transport, and household appliances, and on measures to ensure universal design is enshrined alongside with accessibility

“NIČ O INVALIDIH BREZ INVALIDOV!”

- ✓ What measures and time frame are set to fully ensure equal access to information and communications in the field of media and audio-visual services, administration web portals, digital technologies and services (banking services, terminals, info points...)?
 - ✓ From 2021, the Constitution of the Republic of Slovenia also has the right to use sign language and the language of the blindeaf. When adequate legal and implementing solutions will be provided to ensure the actual exercise of this right?
7. Right to life (art. 10)
- ✓ In case euthanasia law shall be adopted, what measures are foreseen to prevent the abuse of the right to euthanasia in people with disabilities?
8. Situations of risk and humanitarian emergencies (art. 11)
- ✓ How are people with disabilities through their representative organizations involved in the decision-making process for programmes and strategies to reduce disaster risks and strengthen resilience, as well as in crisis and natural disaster response plans?
 - ✓ What disaster risk reduction and resilience building activities concerning people with disabilities are planned?
9. Equal recognition before the law (art. 12)
- ✓ Considering the legal capacity of people with disabilities, what measures are taken to abolish substituted decision-making and replacing it with supported decision-making, in particular of persons with intellectual and psychosocial disabilities.
10. Access to justice (art. 13)
- ✓ How and when will persons with disabilities have ensured full access and equal participation in court proceedings, including ensuring physical accessibility to court facilities, access to documentation, information and communication in a tailored form (use of sign language, language of deafblind and easy-to-read information), and access to accommodated legal advice?
 - ✓ What measures has the Republic of Slovenia taken to raise awareness and train court- and public sector personnel to improve their knowledge on the rights of people with disabilities, types of disability and improving access to justice?
11. Liberty and security of the person (art. 14)
- ✓ What steps are being taken to abolish provisions and practices that allow involuntary psychiatric treatment of people with disabilities?
 - ✓ What measures are in place to ensure that prisons and other detention centres, including migrant detention centres, respect and protect the rights of persons with disabilities, provide support measures and reasonable accommodation to persons with disabilities in such facilities?
12. Freedom from torture, cruel, inhuman, degrading treatment or punishment (art. 15)
- ✓ What prevention mechanisms are in place to ensure persons with disabilities to be free from involuntary physical or chemical treatment means?

“NIČ O INVALIDIH BREZ INVALIDOV!”

13. Freedom from exploitation, violence and abuse (art. 16)

- ✓ How people with disabilities, in particular women and children with disabilities, are included in strategies and programmes for combating violence, abuse and exploitation?
- ✓ Is there a reasonable time frame to ensure the availability of safe houses to provide accessible safe accommodation, psychosocial help and support for both women and men with disabilities – victims of violence?
- ✓ What measures are available to persons with disabilities – victims of violence to provide psychosocial help and support outside safe accommodation programmes?

14. Protecting integrity of the person (art. 17)

- ✓ When will Constitutional Court's decision No. U-I-477/18-19, to bring the Mental Health Act into line with the Constitution of the Republic of Slovenia of 23.5.2019, be implemented?
- ✓ What are the measures to ensure the personal integrity and protection of people with disabilities residing in institutions or during hospitalisation?
- ✓ How will the Republic of Slovenia ensure the protection of the personal integrity of persons with disabilities in medical treatment procedures (appropriate care, use of technical devices in hospital treatment, communication with patients in accessible form i.e. use of sign language, sign language interpreter, easy to understand form)?

15. Liberty of movement and nationality (art. 18)

(questions already included in other chapters)

16. Living independently and being included in the community (art. 19)

- ✓ What measures will be taken to provide personal assistance, long-term care and community support services that are necessary to support independent living and inclusion of persons with disabilities in the community?
- ✓ What are additional measures and time frame to promote the *deinstitutionalisation of people with disabilities*?
- ✓ What measures will be taken to ensure that housing policy shall include persons with disabilities and their needs?
- ✓ Are persons with disabilities through their representative organizations actively involved in the drafting of the respective housing policy and will they be guaranteed the effective participation in the monitoring of the implementation of this policy?

17. Personal mobility (art. 20)

- ✓ Are there adequate regulations on passenger rights and on technical specifications of all modes of public transport adopted to ensure that persons with disabilities can use them autonomously and spontaneously?
- ✓ When will the Rules on technical aids and adaptation of vehicles be amended in order to simplify the procedure and to update the list of technical aids?

18. Freedom of expression and opinion and access to information (art. 21)

- ✓ What steps have been taken to facilitate the availability to accessible languages, formats and technologies appropriate to different kinds of impairments, including sign languages, Braille, augmentative and alternative communication, easy-to-read-forms and other accessible means, modes and formats of communication of the user's choice

“NIČ O INVALIDIH BREZ INVALIDOV!”

to ensure equal access to news, public and private audio-visual and other media, digital media platforms, and other means of information and communication?

19. Respect for home and family (art. 23)

- ✓ What measures are there or shall be adopted to address long-term support requirements of persons with disabilities and their families, considering family life and parental care in families with parents or children with disabilities in particular?

20. Education (art. 24)

What specific measures are being adopted to ensure:

- the implementation of inclusive education of children with disabilities,
- the obligatory training of all teachers (beyond special education teachers),
- the availability of assistive devices and support in classrooms, educational materials and curricula in the same time as their peers without disabilities,
- the constitutional right of children to an interpreter of sign language or language of deafblind in the education system at all levels
- the accessibility of physical school environments,
- inclusion of children with disabilities in all school activities, including excursions, school-in-nature and sports activities,
- to allocate budget for all of the above?

21. Health (art. 25)

- ✓ How will the Long-term care Act be implemented to address the requirements of people with disabilities who may not be eligible to personal assistance?
- ✓ What steps are there to provide education and training for health care professionals in relation to the different needs of people with disabilities, their rights and means of proper communication?
- ✓ How will palliative care be ensured to people with disabilities when needed, at all stages of life?
- ✓ What kind of health care and educational programmes are available to prevent the onset or aggravation of disability, and to prevent secondary consequences of disability?
- ✓ Considering the announced health care legislation reform, what measures shall be taken to ensure that:
 - the level of disability health care rights is maintained and not reduced?
 - the persons with disability are effectively involved in the health care policy development and legislation processes?

22. Habilitation and rehabilitation (art. 26)

- ✓
- ✓ What measures are there to encourage employers to participate in the process of occupational rehabilitation for persons with disabilities?

23. Work and employment (art. 27)

- ✓ The quotas for employment in the Public Administration and in the information, services sector is still the lowest compared to other sectors. When will the quota be increased to encourage employment in these sectors?

“NIČ O INVALIDIH BREZ INVALIDOV!”

- ✓ How will the Republic of Slovenia ensure the long-term stability of aid and incentives for the employment of people with disabilities? The analyses confirm that Republic of Slovenia aid to promote the employment of persons with disabilities and to maintain their jobs is economically viable for both employers and the State budget. However, monitoring the effectiveness of Republic of Slovenia aid for this purpose is possible only on condition that relevant data on the operations of enterprises with disabilities can be collected as a rounded group of recipients of that Republic of Slovenia aid. In this respect, we call on the decision-keepers not to abolish the code of enterprises for employing workers with disabilities (88,101 Activity of enterprises for employing workers with disabilities) in the Standard Classification of Activities. The abolition of that code would make it impossible to monitor the effects in question.
- ✓ How will the Republic of Slovenia provide financial incentives to create new quality (technologically demanding) jobs for people with disabilities?

24. Adequate standard of living and social protection (art. 28)

- ✓ What measures shall be taken to ensure:
 - that people with disabilities have adequate living standards and social security, especially at a time of high inflation and rising living costs?
 - to promote accessibility of housing, including social housing, for persons with disabilities?
 - different forms of community-based support services to promote deinstitutionalisation of people with disabilities?
 - social security of people with disabilities in the pension and disability insurance scheme currently subject to reform?
 - the income tax benefit for persons with severe disabilities due to higher living costs as a result of disability?
 - to reduce income inequality for people with disabilities compared to the average population?
 - disability compensation for all people with disabilities, regardless of the reason for the disability and the condition of participation in insurance?

25. Participation in political and public life (art. 29)

- ✓ Certain tasks of the National Council of Disability Organisations derive from the Convention on the Rights of Persons with Disabilities. It obliges the Signatory Republic of Slovenia, and therefore also Slovenia, to consult thoroughly with people with disabilities, including children with disabilities, in the preparation and implementation of legislation, in the guidelines for the implementation of this Convention and in other decision-making procedures relating to persons with disabilities, and to actively involve them in these procedures through their representative disability organisations (third paragraph article 4 of the KPI). The national Disabled Persons Organizations Act also requires the National Council of Disability Organisations to carry out certain tasks: coordinating the interests of all persons with disabilities in the country, taking into account the autonomy of each disability organisation, representing them in dialogue between organisations with disabilities and in dialogue with professional associations, public authorities, public institutions and other public bodies, and proposing joint representatives of persons with disabilities to the bodies of Republic of Slovenia and other public institutions and in the bodies of international organisations and associations (Article 26 of the Act on Disability Organizations). What are the mechanisms in place to consult with and ensure the participation of persons with disabilities through their representative organizations? What measures are taken to

“NIČ O INVALIDIH BREZ INVALIDOVI!”

provide funding for the umbrella network of the National Council of Disability Organisations of Slovenia and its duties designated in the national legislation?

- ✓ What measures, strategies and policies shall be taken within individual ministries and at local level to strengthen the effective involvement of people with disabilities and their representative organisations in the decision-making processes?
- ✓ What measures are taken to ensure all persons with disabilities can exercise the right to vote?

26. Participation in cultural life, recreation, leisure activities and sport (art. 30)

- ✓ Is there a systemic funding regime established for the implementation of the European Disability Card project that encourages people with disabilities and providers of goods and services to promote inclusion of people with disabilities into cultural life, sport, recreation and other leisure activities, thus contributing to greater community involvement and mobility of people with disabilities?
- ✓ What steps are being taken to give full effect to the cultural rights of persons with sensory impairments, and their access to information, and specifically to amend legislation to provide exceptions and limitations to copyright laws so that all literary works may be made available and accessible? What measures shall be taken to enhance places of cultural performances and services, sites of cultural importance, and facilities for sports, leisure or recreation are accessible to persons with disabilities??

27. Statistics and data collection (art. 31)

- ✓ What measures and procedures are being led to establish a single register of persons with disability status and established physical impairment?

28. International cooperation (art. 32)

- ✓ What measures, procedures and strategies are in use to enable the international participation of persons with disabilities through their representative organisations and their umbrella network of the National Council of Disability Organisations of Slovenia?

29. National implementation and monitoring (art. 33)

- ✓ What mechanisms are set to consult with and ensure the participation of persons with disabilities through their representative organizations in the independent monitoring body?
- ✓ Please report on the funding of the independent and on the human, technical and financial resources available to ensure that monitoring activities are accessible to and include the participation of persons with disabilities and their representative organizations?
- ✓ Please provide information on the designation of a national body to monitor the implementation of the Convention on the Rights of Persons with Disabilities. What criteria have been established to ensure that people with disabilities and women with disabilities in particular will take an active role in the monitoring body?

Note: At present, the Council for Persons with Disabilities of the Republic of Slovenia does not have the funding provided and does not fulfil the condition of independence,

“NIČ O INVALIDIH BREZ INVALIDOV!”

as it includes representatives of the government. A process of amending legislation is under way to transfer the role of the Council for Persons with Disabilities of the Republic of Slovenia under the auspices of the Ombudsman for Human Rights, which is contrary to the explicit desire and need of the vast majority of representative disabled persons' organisations. Furthermore, it is disappointing to note that the representatives of persons with disabilities were not even involved in the process of preparing this legislative proposal, even though an explicit agreement with the Ministry of Labour, Family, Social Affairs and Equal Opportunities has been reached in this respect.

Mojca Vaupotič, A.M.

general secretary of NSIOS

Mateja Toman, A.M.

president of NSIOS



“NIČ O INVALIDIH BREZ INVALIDOV!”

NACIONALNI SVET INVALIDSKIH ORGANIZACIJ SLOVENIJE | Linhartova 1, 1000 Ljubljana | tel: 01/430 36 46 (pisarna) | faks: 01/430 36 47 | e-pošta: info@nsios.si



Co-funded by
the European Union



EU KARTICA UGODNOSTI
ZA INVALIDE



REPUBLIKA SLOVENIJA
MINISTRSTVO ZA DELO, DRUŽINO,
SOCIALNE ZADEVE IN ENAKE MOŽNOSTI

Interreg
CENTRAL EUROPE
Co-financed by European Union - European Regional Development Fund