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Office of the High Commissioner for Human Rights

Re: Universal Periodic Review – Slovenia

YHD – Association for the theory and culture of handicap is a non-governmental organisation, working in the field of disability, more specifically, it is a grass root organisation, which strives for the recognition of the human rights of the disabled people in Slovenia. It belongs to so called Independent living movement and is a member of two distinguished international organisations in this field: Disabled People International (DPI) and European Network on Independent Living (ENIL).

We have decided to contact the High Commissioner for Human Rights concerning the draft of Universal Periodic Review, written by official body in Slovenia.

Our comments are above all connected with the disability issues as this is the field where we work. We thought it is important to respond, as the draft is written in the way that it looks, there is no problems concerning the situation, the rights and the participation of disabled people in Slovenia.

Freedom of association, and representation of disabled people in the processes of policy making

One of the most critical issues is the Act on disability organizations (Zakon o invalidskih organizacijah – the official word in Slovenia is still INVALID). According to this act a disability organization can only be an organization which fulfills very difficult criteria like:

- has to plan organize and implement programmes on all areas of life of the disabled people
- has to offer help in the area of health protection, medical and social rehabilitation, education, employment vocational training,
- has to implement activities for improvement of psychological difficulties,
- has to train disabled people and their relatives and volunteers for life and work with the disabled,
- has to employ social work professionals,



Znak »OA – osebna asistenca« je zaščiten in predstavlja asistenco, organizirano po načelih neodvisnega življenja, kot jih je sprejel Kongres Evropske mreže za neodvisno življenje (ENIL). YHD je trenutno edino društvo v Sloveniji, ki izvaja program osebne asistence po teh načelih!

- etc.

This is one of the reasons there is so little disability organizations in Slovenia at the moment. The Act, once it was passed (in 2002) put in privileged position old invalid organizations, with long history, which are usually organized according to medical diagnosis (association of paraplegics, dystrophy, blind, deaf, etc.), and thus forced disabled people to turn to them with any questions regarding the upper themes. This, we believe, is in contradiction with the freedom of choice, freedom of association and it endangers the human dignity (there are many cases of disabled people who simply can not use services – even if they are paid for by the government, because they are bullied by “their” organization or denied services if they speak up critically about organisation, or themselves don’t want to co-operate with particular organization in this case they can not turn to anyone, as they belong to a certain medical diagnosis and by this to a certain organisation).

The status of disability organization is connected also to funding, no small grass-root organizations, who don’t have the status according to the Act, are eligible for funding which would enable them to start the programmes, especially in the Lottery Foundation, where organization is automatically denied funding if it doesn’t have the status.

Participation of disabled people is because of the Act limited also in all areas of policy making, where the authorities have to consult with disability organizations, but here are just the chosen few, representatives of organizations who have the status of Representative disability organization (even stricter conditions as for disability organizations, also written in the Disability organizations Act).

The practice of co-operation between disability organization and government, which is so praised by old organizations and the authorities, is in this way, just a “gate keeper” an instrument by which disabled people can be made silent, not asking unpopular questions, frightened that if they complain, even the little help they get, will be taken away from them, as they have no tools to demand it directly from the state.

UN Convention on the Rights of Persons with Disabilities

Even though Slovenia was one of the first countries to ratify the UN Convention on the rights of the disabled people, it is not taken seriously, starting with the miss translations, where concepts and meanings were translated in the way, that they support the current policy (the “representative disability organization” in Slovenian language means well defined, small group of organizations for example, and the translation didn’t follow the meaning of the Convention, on the other hand “personal assistance” is well known concept with clear definitions in an european and international context, but the Slovenian translation ignored it and translated it as “personal help”, etc).

Official Bodies (Directorate for Disabled, Governmental Council for the disabled)

Modern understanding of equal opportunities and human rights of handicapped persons should include in particular: 1) the right to self-determination in respect of where, who with and how a handicapped person will live; 2) the pluralisation and diversification of models of support in a community, such as personal assistance, right to the representative and interpreter etc.

The burning issue in Slovenia is also institutionalization (right to Personal assistance is explicitly included in the convention – art. 19) there are still new institutions being built and old renovated, many disabled people are confined to them as the only possibility, while community services are still very few, even though the official policy is full of words about independent living and equal and individual rights of the disabled people.

On the national level there is no practice of mainstreaming in the field of disability, usually all the questions (concerning education, health, housing, discrimination, employment, equal opportunities, gender) are forwarded to the Directorate of the disabled, and are thus resolved (if they are) in the frame of narrow disability policy. In this respect Directorate for Disabled works as a gate keeper, who doesn't let any questions concerning rights and life of the disabled people come to the agenda of mainstream policy and into public debate.

Employment

Slovenia has passed an Employment and Vocational Rehabilitation of Disabled People Act in 2006. This act deliberately excludes a number of disabled people from exercising any right coming from it. This group is disabled people who have an "invalid" status according to the Social Care for Physically and Mentally disabled People Act (1983). According to this act they are marked as incapable for independent life and work, and are thus excluded from any form of vocational rehabilitation, and any other services and rights that would help them in the employment.

Beside that Act includes a number of support mechanisms for the employment of the disabled people in regular environment/jobs (including the right to personal assistance), but until now there are no cases of them being implemented, as the state hasn't developed the mechanisms for implementation of this rights.

We don't detect political will to make actual employment opportunities a reality for the disabled people.

We have stated just few of the issues but there are many more. We have gotten the disability organization and representative organization status, as one of the last organizations, as we are only registered from 1996, but do believe in the right to choose, and strongly oppose the practice that is based on the medical model of disability, as practice in Slovenia is at the moment.

We hope that also with this letter the existing practice of the state will be challenged, as we are doing on the national level, but are so often overheard.

Ljubljana, 7. 9. 2009

Elena Pečarič
President