



PERMANENT MISSION OF SLOVENIA TO THE UNITED NATIONS

No.: N- 107/10

Your Excellency,

In reference to your letter ONU-02749 dated 21 July 2010, the Permanent Mission of Slovenia to the United Nations would like to transmit to you the information concerning Slovenia's best practice on the implementation of articles 11, 19 and 24 of the Convention on the Rights of Persons with Disabilities.

Yours sincerely,

A handwritten signature in black ink, consisting of a series of connected loops and curves, starting with a vertical line on the left and ending with a long horizontal stroke that curves downwards on the right.

Simona Leskovar  
Chargé d'affaires ad interim

New York, 16 August 2010

H.E. Claude Heller  
Ambassador  
Permanent Representative of Mexico  
to the United Nations

NEW YORK

*Ljubljana, August 2010*

## **UN Convention on the Rights of Persons with Disabilities - Implementation of Articles 11, 19 and 24 - SLOVENIA**

### **Article 11 (Situations of risk and humanitarian emergencies)**

Article 8 of the Constitution of the Republic of Slovenia stipulates that laws and other regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia. Ratified and published treaties are applied directly. Slovenia is thus committed to honouring and following all commitments made in the field of international humanitarian law and international law on human rights.

The protection of persons with disabilities in Slovenia is governed through the implementation of general provisions of international humanitarian law pertaining to the protection of the civilian population. Special provisions on honouring international obligations are included in the Defence Act (Article 4: all forms of military and civil defence are based on and implemented in accordance with the principles of international martial law and international commitments) and the Protection Against Natural and Other Disasters Act. The latter, in Article 7, sets out the obligation of honouring international humanitarian law.

In the field of protection and rescue, the implementation of the Convention on the Rights of People with Disabilities is ensured implicitly through the principles defined in Article 9 of the Protection Against Natural and Other Disasters Act. Everyone is entitled to protection against natural and other disasters. In cases of natural or other disasters, the protection and rescue of human lives has priority over any other protective or rescue activity. In Article 17, paragraph 2 of the Protection Against Natural and Other Disasters Act, if an individual is unable to provide assistance, they must immediately inform the relevant rescue service or information centre or get help in any other way.

The Act amending the Electronic Communications Act (adopted in December 2009) implemented new options for calls to the emergency number 112 in the form of text and video calls. This is intended, in particular, for the deaf and hard of hearing.<sup>1</sup> Although these legislative options of calling 112 refer directly to Article 9 of the Convention on the Rights of People with Disabilities, this regulation is also indirectly related to Article 11, since it also applies in dangerous conditions, including armed conflicts, humanitarian crises and natural disasters.

Slovenian bodies honour constitutional and conventional provisions on human rights and fundamental freedoms in their implementation of measures for providing protection in all conditions of changed national security status, (i.e. natural and other disasters, humanitarian crises, states of emergency and war, and other extraordinary circumstances in the domestic and international environments). In the limitation of rights, permissible solely during states of war or emergency, on the basis of provisions and in the appropriate scope, measures must not cause inequality or discrimination that would be based on an individual's personal status. At the same time, they must not be disproportionate or inhumane. The protection of one's personality and dignity in implementing all measures and the right to security must be honoured in all states and circumstances.

In all states and circumstances, people with disabilities are guaranteed the right to security, which is also honoured in all Police procedures. As defined in the Police Act, the primary task of the Police is "to protect people's lives, their personal safety and property". It refers to all states and situations and all people who are located on the territory of the Republic of Slovenia in a certain situation, regardless of their personal circumstances.

People with disabilities are guaranteed legal protection and international protection in all states and circumstances. Therefore, the criminal code also prohibits violations of the principles of equality, employment rights and unemployment, hate speech, violent conduct and public incitement of hate, violence or intolerance; criminal offences against honour and reputation, and sexual integrity; **criminal offences against the general safety of people and property and against the safety of public traffic**; in states of emergency and war, the following Criminal Code provisions are also relevant: provisions on criminal offences against humanity, (i.e. genocide, criminal offences against humanity, war crimes, torture, terrorism, enslavement) and criminal offences against life and limb, in particular, the abandonment of helpless person and failure to render aid.

With the International Protection Act, Slovenia established a mechanism of acknowledging international protection. Among the categories of vulnerable persons with special needs, people with disabilities with a refugee status or a subsidised protection status are given special care and concern in all states and security circumstances in Slovenia.

## Article 19

- **Action Programme for Persons with Disabilities 2007-2013 (APPD)**

In 2006, Slovenian Government accepted the Action Programme for Persons with Disabilities 2007-2013. The program is based on the Convention on the Rights of Persons with Disabilities, as well as on other UN documents, Action Programme of the EU for persons with disabilities and on the Action Programme of the Council of Europe.

The purpose of the Slovenia's Action Programme for Persons with Disabilities is to promote, protect and ensure the full and equal enjoyment of all human rights by persons with disabilities, and to promote respect for their inherent dignity. The program comprises twelve fundamental objectives together with 124 measures, comprehensively governing all spheres of persons with disabilities life, and referring to the period 2007 – 2013.

In the last section of APPD are listed several actions for implementation and control of the objectives and measures laid down in APPD. Participation of the civil society is ensured in the 2<sup>nd</sup> article: "ensuring that disabled people's organizations are fully involved in control procedures". Further to that a Disabled Organisations Act (article 4) prescribes that all the state institutions should consult with Disabled People's Organisations in all matters concerning the planning of national policy and actions to ensure equal opportunities and equal treatment of disabled people.

A special Governmental committee, to control implementation of actions laid down in APPD, was established and has a task to prepare an annual report to be send to the Ministry of Labour, Family and Social Affairs. Members of this committee are representatives of the Representative organizations of persons with disabilities.

- **National Council of Disabled People's Organisation of Slovenia (NSIOS)**

Big efforts to protect, promote and monitor the UNCRPD are provided by NSIOS whose mission is systemic implementation of human rights of disabled people and their legal representatives as well as full inclusion and equality of disabled people in all social areas.

- **Draft - Act on equal opportunities for Persons with Disabilities**

is currently in the final finishing stage in reviewed by National Assembly and it will soon enter into force. This Act will provide greater legal safety and effective legal protection against discrimination based on disability. Everyone should be recognized for all fundamental human rights regardless on differences or personal circumstances. It governs the sphere of equal opportunities and non-discrimination of Persons with Disabilities. This Act covers areas of:

- ❖ Prohibition of discrimination on grounds of disability
- ❖ Measures to equalize opportunities for Persons with Disabilities, to determine tasks carriers, their responsibilities and obligations
- ❖ Procedures in matters of discrimination based on disability
- ❖ Database management and data protection
- ❖ Criminal provisions

- **The Act on personal assistance for Persons with Disabilities**

is under preparation as well. Social policy of this country is changing in that direction that personal assistance will be right of every disabled person, who will need and require such services and will use personal assistance to live independent life.

## **Article 24**

- **Placement of Children with Special Needs Act (ZUOPP)**

This Act regulates guidelines for children, adolescents and young adults with special educational needs (hereinafter referred to as children with special needs) and determines the methods and forms of implementation of education.

Children with disabilities under this Act are children with intellectual disabilities, blind and sighted children, deaf and hard of hearing children, children with speech-language disorders, children with physical disabilities, long-term sick children, children with deficits in specific areas of learning and children with behavioural and personality disorders who need the implementation of educational programs with additional technical assistance or tailored programs of education or specific educational programs.

Students with special needs that are included in their curricula in accordance with the law governing higher education, in accordance with the Statute of the higher education institution should be provided the necessary additional equipment.

Universities in Slovenia on the basis of its Statute create a policy on students with special needs / disabilities, signed and approved by the Ministry of Higher Education, Science and Technology. Students with special needs / disabilities should submit their certificate:

- ❖ Alignment and classification in accordance with the Placement of Children with Special Needs Act; Regulations on the organization and mode of commissions for placement of children with special needs and the criteria for identifying the type and degree of deficits, obstacles or disturbances of children with special needs and the Regulations for the classification and vision of children, adolescents and young adults with physical and mental development.
- ❖ Disability in accordance with the Pension and Disability Insurance Act

In addition to these provisions, the deaf and hard of hearing students throughout their education provides interpretation, and they can chose their own interpreter. Deaf and hard of hearing can watch television for deaf on Web sites, broadcasted by the Association of the Deaf and Hard of Hearing of Slovenia

The primary and secondary schools in Slovenia enable education and lecturing for students to be tailored to their special needs.