



## Convention on the Rights of Persons with Disabilities

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### Committee on the Rights of Persons with Disabilities

#### List of issues prior to submission of the combined second to fourth periodic reports of Slovenia\*

##### A. Purpose and general obligations (arts. 1–4)

1. Please inform the Committee about progress achieved and mechanisms established to implement the State party's general obligations under the Convention and the Committee's previous concluding observations and recommendations, including on:

(a) Reforms aimed at shifting from medical and charity approaches to disability to a human rights model of disability in all legislation, plans and practices, and on the harmonization of the various divergent definitions of disability, based on the human rights model of disability;

(b) Measures taken to ensure close consultation with and active involvement of persons with disabilities through their representative organizations in all processes aimed at implementing the Convention, and measures taken to guarantee sufficient funding for the National Council of Disability Organizations to exercise its functions, including the functions contemplated in the Act on Disability Organizations, the Action Plan on Disability Rights, and the Equalization of Opportunities for Persons with Disabilities Act;

(c) The autonomy and impartiality of the Foundation for the Financing of Disability and Humanitarian Organizations, and its funding;

(d) The accurate translation of the Convention into Slovene in accessible formats, and its dissemination among the public.

2. Please inform the Committee about the current understanding of the relationship between the Personal Assistance Act of 2017, the Action Programme for Persons with Disabilities (2014–2021), the Equalization of Opportunities for Persons with Disabilities Act of 2012, and the general principles of the Convention as laid down in its article 3, and about their implementation.

##### B. Specific rights (arts. 5–30)

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

3. Please provide information on:

(a) The current anti-discrimination legislative framework, its cohesion and its implementation, and on public policies and measures aimed at the protection of the rights of persons with disabilities;

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\* Adopted by the pre-sessional working group at its eighteenth session (11–14 September 2023).



(b) The legislative, administrative and judicial measures in place to ensure the provision of reasonable accommodation to persons with disabilities in all areas of life, and whether its denial is considered discrimination;

(c) Specific measures taken to prevent and rectify intersectional and multiple discrimination, particularly against Sinti and Roma persons with disabilities and persons with disabilities belonging to other minority ethnic groups, and against lesbian, gay, bisexual, transgender and intersex persons with disabilities.

#### **Women with disabilities (art. 6)**

4. Please provide information on:

(a) Gender equality and women's rights legislation, policies and strategies focusing on strengthening the rights of women and girls with disabilities, at the national and municipal levels, as well as policies, legislation and strategies against multiple and intersectional discrimination;

(b) Measures taken or planned to actively involve and closely consult with women and girls with disabilities through their organizations in the decision-making processes at the national and local levels, and on their actual participation in these processes;

(c) Statistical data on the education, employment, and participation in political and public life of women and girls with disabilities, and on exploitation, domestic and gender-based violence and abuse against women and girls with disabilities.

#### **Children with disabilities (art. 7)**

5. Please provide information on:

(a) Legislation, strategies and policies, including timelines and resources, aimed at ensuring the full inclusion of children with disabilities into society, and at tackling violence, including corporal punishment, against children with disabilities, particularly against children with disabilities in institutions;

(b) Measures taken or planned to realize the right of children with disabilities to express their opinions in all matters that affect them.

#### **Awareness-raising (art. 8)**

6. Please provide information on:

(a) The strategies, policies, action plans and other measures, at the national and municipal level and in the mass media, to raise public awareness about the rights, the dignity and the capabilities of persons with disabilities, and the close consultation with and active involvement of persons with disabilities in the design and implementation of such measures;

(b) Awareness-raising measures for decision makers in the executive and legislative branches and among professional, judicial and administrative staff about the obligations of the State party under the Convention, in all areas of life.

#### **Accessibility (art. 9)**

7. Please provide information on:

(a) Measures taken to ensure the effective implementation of the "Accessible Slovenia" strategy and the Equalization of Opportunities for Persons with Disabilities Act, and on their timelines, benchmarks and budgets;

(b) Steps taken to implement the European Accessibility Act (Directive 2019/882) on the accessibility requirements for products and services, European Directive 2016/2102 on the accessibility of websites and mobile applications, and the European Electronic Communications Code (Directive (EU) 2018/1972), and to ensure accessibility of products and services not covered by the European Accessibility Act;

(c) Plans to ensure the accessibility of public transport, including intercity coach services and rail transport, and of all buildings open to the public, including older buildings, and the built environment open to the public, in the capital and outside.

#### **Right to life (art. 10)**

8. Please provide information on:

(a) All laws, regulations and practices on individual decisions about the use of life-ending measures, and on their implications for persons with disabilities;

(b) Triage rules in situations of scarcity of medical emergency services, and on their implications for persons with disabilities.

#### **Situations of risk and humanitarian emergencies (art. 11)**

9. Please provide information on:

(a) Legislation, regulations, plans and measures ensuring the inclusion of persons with disabilities, including refugees with disabilities and persons with disabilities in refugee-like situations, in protection measures in situations of risk and humanitarian emergencies, and on the relevance of the Sendai Framework for Disaster Risk Reduction 2015–2030 in the State party;

(b) Measures ensuring close consultation with and active involvement of organizations of persons with disabilities in the planning, design and implementation of disaster risk reduction strategies and humanitarian assistance programmes;

(c) The impact of the coronavirus disease (COVID-19) pandemic on the rights of persons with disabilities and on measures taken to ensure effective recovery.

#### **Equal recognition before the law (art. 12)**

10. Please provide information on:

(a) Measures taken or planned to repeal legal provisions allowing for deprivation of legal capacity on the basis of impairment, especially in the Non-Litigious Civil Procedure Act and the Family Code;

(b) Measures taken or planned to replace substituted decision-making and guardianship systems with individualized support services for personal decision-making, allowing all persons with disabilities, including persons with psychosocial and/or intellectual disabilities, to exercise their legal capacity in accordance with the Committee's general comment No. 1 (2014) on equal recognition before the law;

(c) Procedures in place or planned to abolish judicial and de facto declarations of guardianship for persons with disabilities, to review existing cases of guardianship, and to restore full legal capacity to persons with disabilities, including persons with psychosocial and/or intellectual disabilities;

(d) Training provided to actors on supported decision-making, including civil servants, members of the judiciary and health personnel, on the obligations of the State party under the Convention, especially under article 12.

#### **Access to justice (art. 13)**

11. Please provide information on:

(a) Legislation, strategies, guidelines and protocols ensuring the removal of barriers to access to justice by persons with disabilities, including by persons with psychosocial and/or intellectual disabilities, and the provision of procedural accommodation, including information and communication in accessible formats;

(b) Measures taken or planned to ensure accessibility of the buildings, websites and applications of law enforcement entities, administrative bodies and the judiciary, for persons with disabilities;

(c) Training on the rights of persons with disabilities and on the human rights model of disability for personnel in the judiciary, including lawyers, prosecutors, judges and clerks.

**Liberty and security of person (art. 14)**

12. Please provide information on:

(a) Plans to repeal legislative provisions allowing for the involuntary commitment and non-consensual psychiatric treatment of persons with disabilities, including those in the Mental Health Act;

(b) Measures taken to ensure that persons with disabilities deemed not culpable in criminal proceedings are guaranteed all procedural rights of criminal defendants, including the presumption of innocence, and do not have measures imposed on them, including referral to diversion mechanisms, more severe than criminal defendants found guilty of the same crime;

(c) Steps taken to ensure the integrity and security of persons with disabilities still in institutions, hospitals, prisons and other institutionalized settings, including migrant detention centres, and to provide reasonable accommodation and adequate support measures in these settings.

13. Please provide information on the current position of the State party in the ongoing process towards a draft protocol to the Oviedo Convention on minimum standards for procedures involving the ordering of compulsory psychiatric treatment and placement.

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

14. Please provide information on:

(a) Legislation allowing the use of seclusion, physical, chemical or mechanical restraints, isolation or other non-consensual practices on persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities in psychiatric hospitals and other institutions, on the current application of this legislation, and on measures taken or planned to abolish it;

(b) Procedures in place and their actual use to investigate allegations of torture and ill-treatment in institutional settings and outside, on the remedies available and the ones provided, and on the number of cases investigated annually and their outcome;

(c) Measures taken or planned to strengthen the capacity of the national preventive mechanism of the Human Rights Ombudsman.

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

15. Please provide information on:

(a) The legislative framework, strategies and measures taken or planned to prevent all forms of violence, abuse and exploitation of persons with disabilities, especially women and girls with disabilities, including in the family, in hospitals and in any other public or private institutional setting;

(b) Any measures ensuring access to shelters and crisis centres, to legal and health services, and to effective remedies, including adequate compensation, especially for women and girls with disabilities who are victims of domestic and gender-based violence;

(c) Measures taken or planned to ensure access by independent authorities to facilities and programmes designed to serve persons with disabilities, as required under article 16 (3) of the Convention, and on mechanisms in place or planned for the early detection of violence, particularly in institutional settings.

16. Please provide data on violence against persons with disabilities, especially persons with disabilities still in institutional settings, disaggregated by sex, gender, age, ethnicity and

impairment, as well as data on the number of prosecutions, convictions and sentences imposed on perpetrators of violence against persons with disabilities.

### **Protecting the integrity of the person (art. 17)**

17. Please provide information about the implementation of the Constitutional Court's decision No. U-I-477/18-19 relating to the conformity of the Mental Health Act with the Constitution of Slovenia, including the timeline of these measures and the consideration of the rights under the Convention in these measures.

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

18. Please provide information on:

(a) Any relevant policy, strategy, action plan or measures at the national level aimed at deinstitutionalization, with their respective timeline, and on measures preventing trans- or re-institutionalization, including in smaller institutional settings, and on the function, tasks, powers, personal composition and funding of the Deinstitutionalization Task Force. Please also provide information on close consultation with and the active involvement of persons with disabilities through their organizations in the elaboration and implementation of such policies, strategies, action plans or measures, and in the Deinstitutionalization Task Force;

(b) Support services at home and in the community, allowing persons with disabilities to enjoy their right to live independently and to freely choose their place of residence, such as specific measures, personal assistance, reasonable accommodation or long-term health services, as well as the funding of these measures; please also provide information about the application of the Personal Assistance Act and about its results in practice;

(c) Measures taken or planned to render the housing policy inclusive, and the close consultation with and active involvement of persons with disabilities through their organizations in the drafting and monitoring of that policy;

(d) Data and statistics on persons with disabilities still in institutional settings, disaggregated by age, gender, and type of impairment, and on measures facilitating their transition from institutions to life in the community;

(e) The use of European and national funds for the maintenance and building of institutional facilities for persons with disabilities, and on any measures ensuring that such funds are used to promote community living and community-based support services. Please include current data on the use of such funds.

### **Personal mobility (art. 20)**

19. Please provide information on measures taken or planned, including financial measures, to ensure access to adequate, quality mobility aids and devices, to assistive technologies, and to adaptation of vehicles for all persons with disabilities, and on the procedures in place to access such supports.

### **Freedom of expression and opinion, and access to information (art. 21)**

20. Please inform the Committee on:

(a) The measures taken or planned by government entities to ensure accessibility of information, including the provision of Braille, sign language, Easy Read and other alternative and augmentative means and modes of communication; please provide information about the development of the respective standards and their implementation;

(b) The measures taken or planned to implement the constitutional right to use and develop Slovenian sign language throughout the public sector, on the national level and in the municipalities and urban municipalities, including training in sign language and of tactile interpreters, measures taken to increase the availability of certified sign language interpreters in all municipalities, and awareness-raising measures;

(c) Measures taken or planned to ensure the accessibility of audiovisual media services, in particular on disability-specific implementation of the Audiovisual Media Services Directive (Directive (EU) 2018/1808).

**Respect for home and the family (art. 23)**

21. Please provide information on:

(a) Support measures available for parents of persons with disabilities, including for children with disabilities, and for parents with disabilities to exercise their parental responsibilities and right to family life;

(b) Legal provisions and practices preventing persons with psychosocial and/or intellectual disabilities from marrying and taking on parental responsibilities, and on measures, plans and policies to abolish them and to develop and provide the requisite support services.

**Education (art. 24)**

22. Please provide information on:

(a) Steps taken or planned to adopt and implement an inclusive education strategy at all levels of education, from kindergarten to tertiary education, and to implement the European Union youth and mobility programmes, including the improvement of accessibility of existing schools for all students with disabilities. Please include information on an eventual strategy's time frame and monitoring mechanisms and indicators, and on the resources allocated for its implementation, as well as on the implementation of the Act Regulating the Integrated Treatment of Preschool Children with Special Needs, including the percentage of children with disabilities in inclusive preschool;

(b) The recognition of a legally enforceable right to inclusive education for all students with disabilities, and a respective obligation by the State party;

(c) Measures taken or planned to provide reasonable accommodation and individual support to students with disabilities at all levels of the education system, in the public and private sectors, as well as on the financial, material and human resources available in this regard;

(d) Transport services for students with disabilities from their place of residence to their education facilities, particularly on the kindergarten and primary education levels;

(e) Steps taken or planned to promote and encourage the training and employment of teachers with disabilities, and for training and awareness-raising of all teachers about inclusive education, curriculum accommodation and teaching methods for students with disabilities.

**Health (art. 25)**

23. Please provide information on:

(a) Measures taken or planned to ensure the physical and communicative accessibility of health-care facilities and services, and their affordability, including of specialist services and palliative care, for all persons with disabilities; and on the impact of the implementation of the Long-term Care Act on persons with disabilities;

(b) Steps taken or planned to ensure access to sexual and reproductive health services for all persons with disabilities, especially women and girls with disabilities and persons with intellectual and/or psychosocial disabilities, including information in accessible formats on sexual and reproductive health;

(c) Measures taken or planned to ensure access to dental care, especially ensuring the availability of general anaesthesia, for all persons with disabilities, including children with disabilities;

(d) Steps taken or planned to train health-care professionals and support personnel on the human rights model of disability, including training on the various requirements of

persons with disabilities and on their rights and means of accessible communication. Please also provide information on any measures addressing the staff shortage of social care and health-care professionals;

(e) The announced health-care legislation reform and its protection of the rights of persons with disabilities, and on the close consultation with and active involvement of persons with disabilities through their representative organizations in the development and implementation of health-care policy and legislation.

### **Habilitation and rehabilitation (art. 26)**

24. Please provide information on the current legal framework on rehabilitation services and programmes for persons with disabilities, and on its implementation, and on the provision of adequate and individualized support to persons with disabilities, especially to women and children with disabilities.

### **Work and employment (art. 27)**

25. Please provide information on:

(a) Measures taken or planned to increase the employment of persons with disabilities in the public and private sectors, including measures to facilitate their transition from unemployment or work in sheltered workshops to employment in the open labour market;

(b) Incentives provided to employers for employing persons with disabilities, and mechanisms for monitoring the provision of support, particularly of support based on the code of enterprises for employing workers with disabilities in the Standard Classification of Activities;

(c) Steps taken to protect persons with disabilities from all forms of discrimination in public and private employment, including measures to eliminate barriers in the recruitment process and the workplace, including through the provision of reasonable accommodation;

(d) Plans to guarantee equal payment for work of equal value to all persons with disabilities, on an equal basis with others, and to adopt measures to eliminate the gender gap in employment, including the gender pay gap.

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

26. Please provide information on:

(a) Social protection measures taken or planned to address the high level of poverty among persons with disabilities, particularly persons with psychosocial and/or intellectual disabilities, women with disabilities and older persons with disabilities, including on remedial measures against the negative impact of fiscal and budgetary measures addressing the economic crisis and the COVID-19 pandemic;

(b) National strategies and policies aimed at increasing the availability and accessibility of public housing, including social housing, for persons with disabilities;

(c) Effective and expeditious remedies against decisions of administrative bodies on persons with disabilities, particularly decisions of the Pension and Disability Insurance Institute of Slovenia and of the Ministry of Labour, Family, Social Affairs and Equal Opportunities;

(d) The legal framework of the disability pension and insurance scheme and its impact on persons with disabilities. Please include information on whether persons with disabilities may be mandated to bear a part or all of their disability-related costs, in all areas of life, and specify the income taxation of disability benefits, particularly of persons with disabilities living in poverty, and further include information on measures taken or planned to address any gaps in the disability insurance system, including gaps between graduation from school and entering the work force and in other situations where there is no "sufficient involvement with the insurance".

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

27. Please provide information on:

(a) Legal provisions and practices restricting the right of persons with disabilities to participate in political and public life, and on measures taken or planned to effectively guarantee the right of all persons with disabilities, including persons with psychosocial and/or intellectual disabilities, to participate in political and public life, especially their right to vote and to stand for election at the municipal, national and European levels, including on steps taken or planned to amend the Law on Elections to the National Assembly to no longer allow for disenfranchisement on the grounds of disability;

(b) Measures taken or planned, including supported decision-making systems and support measures, to ensure accessibility of the entire decision-making and voting process, including accessible voting material, voting-related information, polling stations, and measures ensuring the confidentiality of assisted voting;

(c) Steps taken or planned to ensure the effective representation of persons with disabilities, including persons with intellectual and/or psychosocial disabilities and women with disabilities, in political and public decision-making bodies, encompassing the right to stand for public office and to participate in the conduct of public affairs.

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

28. Please provide information on:

(a) Measures taken or planned to ensure accessibility of places of cultural performances and services, sites of cultural importance, facilities for sports, leisure or recreation and any other place relevant to the cultural life of society, including regarding the European Disability Card;

(b) Steps taken or planned to explicitly include persons with disabilities in programmes supporting recreation, leisure, sport, art and culture.

**C. Specific obligations (arts. 31–33)****Statistics and data collection (art. 31)**

29. Please provide information on measures taken or planned to systematize the collection, analysis and dissemination of disaggregated data on the rights of persons with disabilities. Please also inform the Committee about measures taken or planned to incorporate the Washington Group Short Set of Questions on Disability in forthcoming censuses and household and other surveys.

**International cooperation (art. 32)**

30. Please provide information on measures taken or planned to ensure that the State party's international development programmes are inclusive of and accessible to persons with disabilities. Please report on the close consultation with and active involvement of organizations of persons with disabilities in the implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals in the State party's international cooperation programmes, in its participation at the European Union level, including in the European Union Global Health Strategy: Better Health for All in a Changing World, adopted in November 2022, and in international organizations at the regional and global level.

31. Please provide information on the legal status of the National Council of Disability Organizations of Slovenia umbrella network, its funding and its competencies, as well as its participation in international cooperation.



**National implementation and monitoring (art. 33)**

32. Please provide updated information on:

(a) The competencies of the designated focal point, namely the Ministry of Labour, in coordinating the implementation of the Convention across different sectors and at different levels, and information on any other focal points in the Government at the national and municipal levels, and their organizational structure, financial and human resources, and impact;

(b) The organization, composition, and financial, technical and human resources of the Council for Persons with Disabilities in the Republic of Slovenia, and the purposes of the draft legislation to establish the Ombudsman for Human Rights as the independent monitoring mechanism under the Convention, on the remaining functions envisaged for the Council under this legislation, and on the involvement and full participation of persons with disabilities and their representative organizations in the envisaged monitoring by the Ombudsman. Please also provide information about the financial, technical and human resources available to the Ombudsman for the monitoring under the Convention;

(c) Measures, including financial measures, taken or planned to ensure the full and effective participation of persons with disabilities and their representative organizations in the monitoring of the Convention.

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