CHAPTER FIVE

IMPLEMENTATION OF ARTICLE 33 CRPD IN SLOVENIA: A FEELING OF CONFUSION

Aleksandra Tabaj and Cveto Uršič

INTRODUCTION

Slovenia was the third EU Member State to sign and to ratify the CRPD and its Optional Protocol, which is in part due to the Slovenian Presidency of the EU in the first half of 2008. Section I focuses on the Slovenian disability policy as well as its compliance with the general principles and obligations of the Convention. Section II examines the implementation of Article 33 CRPD, analysing the focal point and the independent mechanism in light of the Paris Principles. Section III sketches the role and the position of Disabled People's Organisations (DPOs) in the monitoring of the CRPD. The conclusion examines the need to re-evaluate the role of the focal point and the independent mechanism, as well as the possible ways of strengthening the role of the DPOs.

I. RATIFICATION PROCESS

Slovenia signed the CRPD and the Optional Protocol on 30 March 2007. The official Slovenian translation of both documents was completed in 2007. The Act Ratifying the CRPD and Optional Protocol was adopted by the Slovenian Parliament on 2 April 2008. Slovenia was the third EU Member State which finished the ratification process. On 24 April 2008 the UN Permanent Mission of Slovenia deposited the documents at the UN headquarters in New York.

From the very beginning, Slovenia has supported the idea that the CRPD should be adopted and it actively participated in the drafting process at three levels: at the national level, by cooperating in reviewing the development of the Convention with DPOs;1 at the European level, by

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cooperating within the European Union COHOM’s meeting and; at the UN level, by participating within the Working Group on the Convention (5–16 January 2004) as well as in the Ad Hoc Committee. Slovenian efforts were concentrated on supporting the development of views on disability and human rights for persons with disabilities, including the definition of disability and persons with disabilities in the Convention, supporting the inclusion of international cooperation in the text, gender sensitivity related insertions (women, exploitation, abuse, violence), as well as reasonable accommodation as one of the main issues in the CRPD, and, finally, supporting statistics and data collection in line with monitoring and effective implementation.2

In Slovenia, DPOs have the right to be actively involved in all matters related to disability and national authorities have the obligation to consult DPOs:

Disabled persons’ organisations shall participate in creating national policies and measures for ensuring equal opportunities and equal treatment of disabled persons. National authorities shall consult disabled persons’ organisations in all matters referred to their needs.3

In accordance with this, several consultations were carried out with organisations of persons with disabilities—represented by the National Council of Disabled People’s Organisations—and persons with disabilities (representatives of the National Council of Disabled People’s Organisations) were invited to become members of the Slovenian delegation at the UN headquarters.

The preparatory step for the ratification process was supported and taken very early, before signing the CRPD. A screening analysis was carried out with all the relevant ministries to establish the degree of conformity between Slovenia’s legislation and the CRPD.4 In the initial screening, the assessment was that Slovenian legislation, measures and policies are not completely in accordance with CRPD. The main issues regarded accessibility, equal recognition before the law, legal capacity, living independently, education, rehabilitation, health and statistics, as these were considered as not fulfilling the criteria. However, no reservations were

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2 Ibid.
4 Ministry of Labour, Family and Social Affairs, Directorate for Persons with Disabilities, Internal document: Draft report, prepared after the eight session of the Ad Hoc Committee.