## SECOND DISABILITY HIGH LEVEL GROUP REPORT ON IMPLEMENTATION OF THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

EN version (June 2009)

## **Disclaimer**

A large part of this document is based on contributions written in English mainly by non native authors. The Commission did not have the time nor sufficient translating resources to correct linguistic imperfections. This linguistic reservation applies even more to most parts of the report dealing with Belgium, France and Luxemburg. These parts were originally drafted in French and then machine translated into English with rapid post editing only. There is also another version of this report that contains these parts in their original French language.

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#### INTRODUCTION

The information enclosed in this Report is prepared on the basis of replies to the questionnaire received from 27 Member States<sup>1</sup> and various non governmental stakeholders<sup>2</sup>.

The first chapter summarises the updated information received on the state of play of the process of ratification and implementation of the UN Convention, including explanation of various procedures, mechanisms that have been set up, pointing out responsible authorities.

The second chapter consists of overview sheets describing progress in implementation of UN Convention in areas identified as priorities in the first HLG Report pointing at various actions undertaken on different levels. This chapter can help to identify good practices.

These chapters are complemented by three annexes with practical, detailed information. Annex1 presents in a table a state of signatures and ratifications/conclusion of the UN Convention and the Optional Protocol by the Member States and the Community. Annex2 lists details of identified responsible authorities, focal points, coordination mechanisms and contact points. Annex3 provides links to websites where more information on the UN Convention can be found, including national translations of the text of the UN Convention and the Optional Protocol.

<sup>&</sup>lt;sup>1</sup> AT, BE, BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HU, IE, IT, LT,LU, LV, MT, NL, PL, PT, RO, SE, SK,

<sup>&</sup>lt;sup>2</sup> COFACE, EASPD, EDF, EPR

# 1. STATE OF PLAY ON SIGNATURE AND RATIFICATION OF THE CONVENTION AND OPTIONAL PROTOCOL IN <u>Member States</u>

On 30 March 2007, the day of opening for signature, the UN Convention on the Rights of Persons with Disabilities was signed by the European Community and twenty two Member States. Seventeen of those Member States also signed the Optional Protocol. As of March 2009 the UN Convention had been signed by the European Community and all its Member States. Seven Members States: Austria, Germany, Hungary, Italy, Spain, Slovenia and Sweden have already ratified both the Convention and its Optional Protocol. The United Kingdom ratified the Convention.

## Ratification

The ratification procedures are in most cases complicated and provide for various stages involving several institutions.

In <u>Belgium</u> the statement of the reasons (Exposé des Motifs) was finalised on 21 March 2008. It is to be presented to the meeting of the Council of Ministers (Conseil des Ministres) by mid 2008. The Council of Ministers addresses it to the State Council (Conseil d'Etat) before presenting the file to the Parliament for a vote. The same procedure will be followed at eight various levels of competent authority (federal state, the Communities and the Regions).

<u>Bulgaria</u> is in the process of ratifying the Convention. The Ministry of Labour and Social Policy has been preparing documents which will be submitted to the Council of Ministers for approval. Under Bulgarian legislation the Parliament has the power to ratify the Convention. Bulgaria also signed Optional Protocol on 18.12.2008. Bulgaria is in a process of establishing a coordination mechanism foreseen in article 33 (1) of the UN Convention.

In <u>Cyprus</u>, the next step after the completion of the translation of the Convention is to adapt it to the Cypriot context after consultations with the Disabled Organisations and all the coresponsible Ministries as well as the social partners. Then, it is to be put for approval to the Council of Ministers and following that it is to be forwarded to the House of Representatives for ratification, through new legislation. The translation process was completed with the cooperation of Greece as well as the Disabled Organisations both in Greece and Cyprus. The overall co-ordination of the ratification procedure has been undertaken by the Department for Social Inclusion of Persons with Disabilities under the Ministry of Labour and Social Insurance through a mechanism of a special technical committee with the participation of all interested parties. The technical committee will also report to the Pancyprian Council for the Persons with Disabilities being the highest consultative body on disability issues.

In the <u>Czech Republic</u> a detailed analysis of obligations provided for both in the Convention and the Optional Protocol has to be done. For each obligation, this means that: its compliance with Constitutional order of the Czech Republic must be examined; corresponding provisions in national legislation are identified together with any relevant actions/programmes/activities pursued in this regard, these are subsequently assessed for determining whether full implementation of a particular obligation is already ensured or not. In the latter case, no further steps in the ratification process can be made before removing any obstacle identified, regardless of whether it is of legislative, financial, institutional or practical nature. Subsequently, the proposal is formally discussed with other Ministries and Central bodies of the Government, submitted to the Cabinet for approval and then submitted to the Parliament. Both chambers of the Parliament have to approve the proposal for ratification. If Parliament

gives its assent to the proposal, it is finally submitted to the president, who has discretion in deciding whether or not to sign the instrument of ratification.

<u>Denmark</u> has identified a three step procedure: 1<sup>st.</sup> Step: Translation and consultation with civil society; 2<sup>nd.</sup> Step: screening of Danish legislation in relation to the requirements of the Convention (all ministries/sectors) and 3<sup>rd.</sup> Step: Possible legal changes and political ratification. The responsibility of the procedure of ratification of the UN Convention was transferred to the newly established Ministry of Social Welfare on November 23<sup>rd</sup> 2007. The Ministry of Social Welfare will continue the work towards a ratification of the Convention. Step 1 and 2 has now been completed and ratification (step 3) is expected in spring 2009

Estonia: Signing and ratification of international agreements or conventions (including the UN Convention on Rights of Persons with Disabilities) is initiated by the Ministry of Foreign Affairs. Concerning the current convention, the responsible Ministry is the Ministry of Social Affairs of Estonia. The Ministry of Social Affairs prepares the needed documents and presents the documents to the Ministry of Foreign Affairs. All international agreements will be approved by the Government and ratified by the Parliament. During the preparations of ratification the Ministry of Social Affairs has asked expert opinions from other involved Ministries (Ministry of Education and Research, Ministry of Justice, Ministry of Culture, Ministry of Internal Affairs, Ministry of Economic Affairs and Communications, Ministry of Finance) and non-governmental organizations (Estonian Chamber of Disabled People, Estonian Union of People with Visual Impairment, Estonian Association of Hard Hearing, Estonian Union of Persons with Mobility Impairment, Association of Estonian Cities, Association of Municipalities of Estonia). All our partners considered the Convention an important international document and the need for ratification was emphasized. The time schedule for signing the Optional Protocol and ratification of the Convention and Optional Protocol will be decided during the ratification process. At the beginning of 2008, the legal analysis of the internal legislation and its accordance to the Convention was initiated. The analysis was initiated with the purpose of clarifying the need for legislative amendments in Estonian internal legislation. Also, the analysis of policies for persons with disabilities is planned to be launched with abovementioned analysis. After the legal analyses the Convention and its Optional Protocol will be submitted to the Parliament for ratification.

In <u>Finland</u>, before the ratification, it is necessary to amend the Finnish legislation concerning the right of persons with disabilities in need of institutional or residential care to move from one municipality to another. The legislative revision should be completed during 2009. Also, legislation concerning the restriction of constitutional rights is revised with regard to provisions on the use of involuntary measures in connection with care of persons with intellectual disabilities. Some preparatory work has already been undertaken but the final timetable for the legislative work to be completed is still pending. Additional issues requiring further clarification or legislative amendments may also emerge during the preparation for ratification. Preparation takes many years and Finland would be prepared to ratify the Convention in 2010 at the earliest.

In <u>France</u> a project of law on ratification of the Convention will be submitted to the Parliament within the next few months. As for the optional Protocol, which France signed on 23 September 2008, it remains to be decided whether it shall follow the same constitutional procedure.

<u>Germany</u>: The German Bundestag passed the law with the consent of the Bundesrat which was necessary for ratifying the Convention and the Optional Protocol. The law entered into force 1 January 2009. The instruments of ratification were deposited 24 February 2009 at the

U. N. Headquarter. Germany ratified the Convention and the Optional Protocol without any interpretative statement or reservation. Germany takes the necessary steps to provide the Convention and the Protocol in accessible formats. At the moment the Convention and the Protocol are translated into easy language.

<u>In Greece the Ministry of the Foreign Affairs is responsible for the translation of the UN Convention.</u> It is supported by the National Confederation of People with Disabilities and other competent authorities working on the translation. Once the Convention is translated, it will be submitted to competent ministers for approval. Later the text in form of law will be submitted to the Parliament for adoption.

<u>Hungary</u> has ratified the Convention and the Optional Protocol on the 20<sup>th</sup> July 2007 by the Act No 92 of 2007.

Ireland: A high-level, cross-departmental group, the Interdepartmental Committee to implement the UN Convention on the Rights of Persons with Disabilities, was established by the Irish Government in 2007 to monitor the implementation by Departments of the legislative and administrative changes that are necessary to allow the State to ratify the Convention. This Committee is advising on any changes to the Government's National Disability Strategy that may be required to enable Ireland to ratify the Convention and has developed a Work Programme to address matters that need to be aligned with the Convention. While the National Disability Strategy in many respects comprehends many of the provisions of the UN Convention, the Work Programme has been developed to (i) address any elements of the National Disability Strategy that require alignment with the Convention and (ii) address any matters that fall outside the National Disability Strategy to enable Ireland to ratify the Convention. The Committee will maintain contact and consult with people with disabilities through their representative organisations during the implementation of the UN Convention; is reviewing the options for preparation of accessible formats of the UN Convention; will prepare a report to submit to Government in 2009 on implementation progress in the time since Ireland signed the Convention and will closely examine the Optional Protocol to the Convention in consultation with the Department of Foreign Affairs and the Office of the Attorney General. The Optional Protocol will be addressed by the Government at the time of consideration of ratification of the Convention.

On 28 November r 2008, the <u>Italian</u> Government approved the ratification proposal for the UN Convention and Optional Protocol, which was passed by the Parliament on the 24 February 2009. With law no. 18 on 3 March 2009, the Italian Parliament has ratified the UN Convention and the Protocol. The ratification decision establishes also the national Observatory on the condition of the persons with disabilities. On 15 May 2009 Italy deposited its instruments of the ratification with the depositary of the Convention.

In <u>Lithuania</u>, given that the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol are international agreements that need to be ratified, the Order No. A1-176 of the Minister of Social Security and Labour as of 27 June 2007 has initiated an interinstitutional taskforce to deliver the analysis of relevance and feasibility for ratification of these international documents. The taskforce involves representatives from the Ministry of Culture, Ministry of health, Ministry of Education and Science, Ministry of Transport and Communication, Ministry of Social Security and Labour, Ministry of Foreign Affairs, Ministry of National Defence, Ministry of Environment, the Office of Equal Opportunities Ombudsperson, the Department of Physical Education and Sports under the Government of the Republic of Lithuania, and representatives of NGOs. In a meeting of the taskforce—which took place on 23 November 2007 in the Ministry of Social Security and Labour—the draft analysis of relevance and feasibility of the United Nations Convention on

the Rights of Persons with Disabilities was introduced. The issued draft investigates the conformity of the Lithuanian legal system to provisions of the Convention as well as looking into the possibility of ratifying all articles of the Convention and the Protocol. Taking into account the fact that the Convention covers most policy areas and touches upon various legal, social, educational, economic, and health care aspects, it was decided to analyse the prepared draft Convention analysis in more detail and to assess the real situation of persons with disability in Lithuania. It was suggested that round tables should be organised in order to discuss separate topical areas of the Convention, evaluate everything that has yet to be done, i.e. what law-making, administrative, informational, and other measures have to be undertaken in other to implement the rights of persons with disability acknowledged by the Convention. Upon revision of the aforementioned analysis of the Convention and taking into account opinions of various institutions regarding ratification possibilities—following the procedure set out in legislation—a draft Law on Convention Ratification shall be drafted and supplied to the Seimas of the Republic of Lithuania.

Latvia has signed the Convention on the 18<sup>th</sup> of July, 2008. In accordance with the task given by the Saeima (the Parliament) to the Cabinet of Ministers (on 29 May 2008) and successive decision of the Cabinet (on 8 July 2008), the Ministry of Welfare is responsible for the implementation of preparatory activities for the ratification of the Convention. This work has to be done in the framework of time schedule given by the Cabinet. To execute this decision the interinstitutional taskforce has been established under the Ministry of Welfare on 18 July 2008. The taskforce involved representatives from all line ministries, the Ombudsman office, regional planning offices of local governments, social partners and NGOs. According to time schedule, the taskforce first of all had to make assessment of the national legislation and its compliance to the Convention. This work had been finalised duly at the end of December 2008. The Ministry of Welfare has elaborated the draft Activity Plan for the Implementation of the Convention and according to the time schedule has submitted it to the Cabinet on 30 May 2009. The draft Law on the Ratification of the Convention has been elaborated as well and currently line ministries and all other involved parties are revising it for their approval. After approval the draft law will be submitted to the Cabinet. All international agreements as well as draft laws in Latvia have to be approved by the Government and passed by the Saeima. Taking above mentioned into account, the ratification of the Convention is expected to take place at the end of this year, or by early 2010. The time schedule for signing the Optional Protocol will be decided during the ratification process. The Latvian and English version of the Convention, the Latvian version of the Convention in easy to read format, as well as Journals of all the taskforce meetings and round tables is available on the Ministry of Welfare web page (<u>www.lm.gov.lv</u>).

<u>Luxembourg</u> intends to ratify the Convention but not before 2010. As regards the ratification procedure, the Luxembourg Parliament has to pass a bill in order to ratify the Convention and the Optional Protocol. Before the end of the ongoing screening procedure, it is not possible to foresee if there will be any problem or not.

The Office of the Prime Minister (Malta) has set up an inter-ministerial committee to study what steps need to be taken so as to ensure that Malta will be in a position to ratify the Convention and the Optional Protocol. The committee has concluded its deliberations and a draft report is in its concluding stages at present. It is envisaged that amendments to existing laws, or even, in some instances, new legislation may be required. Furthermore, there are also administrative measures that need to be undertaken. Once the required amendments to legislation are enacted it is expected that Government will proceed with ratification.

In <u>The Netherlands</u> four major procedural steps towards ratification were identified. 1. Translation into Dutch; that has been finished in 2007; 2. Legal analysis of the content of the

convention, based on the adopted text. This analysis is in the final phase. 3. Legal analysis of the Dutch legislation; this analysis is in progress. 4. Based on the tentative results of steps 3 and 4 draft versions of the approval act and an introductory act are prepared. The last act contains all changes necessary in Dutch laws to actually implement the Convention. It is planned that after the legally obliged advises these acts will be presented to parliament in January 2010. Parallel to steps 3 and 4 the provisions of the Convention will be introduced into Dutch policy and into new legislation. In May 2009 a conference will take place where experts in the field of equal treatment discuss the first results of the analyses. The results will be implemented into the final drafts of the acts mentioned before. In April 2009 a first newsletter on the progress of equal treatment in the governmental domain will be published. This newsletter will cover all relevant topics on promoting equal treatment of persons with a disability.

Poland: It is to be noted that Polish policy as concerns the ratification of international agreements is that before opening the final stage of the ratification process (preparing the ratification act and submitting it to the Council of Ministers and the Parliament) amendments to the legal acts must be adopted (or at least well advanced), especially as concerns important ones or those with financial implications. The decision on ratification of the Convention will be taken on the basis of a detailed analysis of its provisions and of the Polish legislation, policy and practice in the area covered by the Convention. A list of necessary amendments to the national legislation will be established as well. This analysis were opened in December 2008 and will take 9 to 12 months taking into consideration complicated nature of the Convention and the necessity to go through extensive consultations within national administration, with social partners and non-governmental organizations. The outcome of the work will be presented to the Council of Ministers together with a proposal as to the future action. It is to be taken into account that in case of an international agreement concerning human rights, the Polish Constitution requires "a major ratification process", which means adoption by the Council of Ministers of a draft Act on ratification, submitting it to the Parliament for consideration and approval, then the President may ratify an international agreement. Practice has shown that it takes at least 6 months from the opening of interministerial consultations on a draft Act on ratification to the signing of the Act by the President. Ratified agreements are promulgated in the Official Journal of Laws and constitute part of the domestic legal order. They are applied directly, unless their application depends on the enactment of a statute. By virtue of the Constitution, an agreement ratified upon prior consent granted by statute (it means: in the "major ratification process") have precedence over statutes if the agreement cannot be reconciled with the provisions of the statutes.

<u>Portugal:</u> The Convention was already approved by the Council of Ministers and sent to the Parliament for discussion and then it will be ratified by a President of the Republic decree. The Convention has an important impact in many relevant subjects of the Portuguese legislation therefore it will be necessary to make an assessment study in the Parliament and to define the legal adaptations needed. The ratification is expected in 2009.

In <u>Romania</u>, the official translation by the National Authority for Persons with Handicap is in progress. The preparing of the law project is the responsibility of the Ministry of Foreign Affaires. The promulgation of the law will be done in the Parliament

<u>Slovak Republic</u>: The Government at its meeting on 5 September 2007 dealt with the issues relating to the Convention and, by Government Resolution, assigned the Minister of Labour, Social Affairs and Family, the Deputy Prime Minister for Knowledge Society, European Affairs, Human Rights and Minorities and the selected sectoral ministers (e.g. Ministry of Education, Ministry of Health, Ministry of Foreign Affairs, Ministry of Finance of the SR) to conduct an analysis of the concord of legal regulations of the SR with the obligations arising

for the SR from the Convention and following the analysis submit to the Government of the SR draft measures for the implementation of the tasks arising from the Convention and submit to the Government for debate the proposal for ratification of the Convention. The Slovak Republic through its particular sectors is currently in the process of assessing concordance of the legal regulations with the obligations resulting from the Convention and the need to adopt legislative and non-legislative measures to ensure compliance of the Slovak Republic's legislation with the obligations following from the Convention. Ministry of Labour, Social Affairs and Family as the guarantor responsible for the Convention has set up a working group with the remit to coordinate activities relating to the analysis and the ratification process. The members of the working group include the representatives of relevant sectors, non-governmental organisations and representatives of self-government, i.e. the Association of Towns and Communities of Slovakia, but also one member of the High Level Group on Disability.

Slovenia: The Act on Ratification of the Convention and the Protocol was adopted in the Parliament on April 2, 2008. After then, the Convention and the Protocol were published in the Official Journal of the Republic in Slovenia. Ministry of Foreign Affairs sent the documents to the UN Permanent Mission of Slovenia, which deposited documents at UN on 24 April 2008. Official translation of the UN Convention and the Protocol was finished in 2007, submitted to the UN and published on UN web page. In 2008, convention in Slovene language was printed in usual and in accessible formats for persons with disabilities: the easy to read version, in Braille and in sign language.

Spain ratified the Convention and the optional protocol on December 3, 2007.

Sweden: An investigator within the Government's office has checked Swedish legislation in order to see if it is in harmony with the UN Convention's requirements and those of the Optional Protocol. This work has been published in a report and referred to stakeholders for consideration. After that the report formed the basis of a bill to the Parliament. The ratification of the convention requires a parliamentary resolution. Sweden ratified the UN Convention and its Optional Protocol the 15 December 2008. According to the above mentioned investigation the Swedish legislation is in harmony with the UN Convention's requirements. The translation into Swedish can be found at <a href="https://www.regeringen.se">www.regeringen.se</a> SÖ 2008:26. At the moment the interacting between the Government and people with disabilities and their representative organisations are being under discussion in order to develop the dialogue in accordance with the Convention

<u>United Kingdom:</u> Has closed its formal exercise checking that its legislation policies, practices and procedures are compatible with the provisions of the Convention and the Parliamentary processes for ratification of the Convention began on 3 March. The UK proposes to ratify the Convention with an interpretative declaration and reservation in respect of education; and reservations in respect of admission into and service in the armed forces; liberty of movement and arrangements for benefit appointees. The United Kingdom has now also signed the Optional Protocol to the Convention on 26 February 2009 and will move towards ratification as soon as is practicable.

The <u>European Community is in the process of conclusion of the UN Convention.</u> On 29 August 2008, the Commission adopted and transmitted to the European Parliament and the Council two proposals concerning the conclusion by the European Community, of the United

Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol.<sup>3</sup> These proposals are currently under discussion in the Council.

#### **Declarations and Reservations**

The majority of the Member States do not foresee any reservation as regards to the matter of application of the Convention or of the Optional Protocol. Even though the need for reservations after finalising the screening of the national legislation may arise, most countries express a strong political will to ratify the entire Convention and its Optional Protocol.

As exception, at the signing ceremony the Dutch Ambassador had a statement on several articles. It is not known now whether the need for new reservations or explanations will arise. The Maltese Government has also already made an interpretative statement regarding the phrase "sexual and reproductive health" in Article 25(a) to the effect that Malta understands that this phrase does not constitute recognition of any new international law obligation, does not create any abortion rights and cannot be interpreted to constitute support, endorsement, or promotion of abortion. Malta further understands that the use of this phrase is intended exclusively to underline the point where health services are provided, they are provided without discrimination on the basis of disability. Malta has also made a reservation pursuant to Article 29(a)(i) and (iii) of the Convention. While declaring its full commitment to ensure the effective and full participation of persons with disabilities in political and public life, including the right to vote by secret ballot in elections and referenda, and to stand for elections, with regard to Article 29(a)(i), Malta reserved the right to continue to apply its current electoral legislation in so far as voting procedures, facilities and materials are concerned and with regard to (a)(iii) Malta reserved the right to continue to apply its current electoral legislation in so far as assistance to voting procedure is concerned. It is envisaged that both the above-mentioned interpretative statement and reservation will be confirmed on ratification. Also, at the moment of signing of the Convention in March 2007. At that stage, France does not foresee any reservation; however it neither excludes possibility to submit declarations interpreting certain provisions on the UN Convention. Poland submitted a reservation concerning article 23.1 (b) and 25 (a) (reproductive health). International law of treaties asks for the confirmation at the moment of submitting ratification documents. This point will be decided at the moment of ratifying the Convention. The UK proposes to make reservations and interpretative declarations in respect of Work and Employment (Convention Article 27 mainly); Education (Convention Article 24 Clause 2 (a) and 2 (b)); Equal Recognition Before the Law (Convention Article 12.4); and Liberty of Movemen

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<sup>&</sup>lt;sup>3</sup> COM (2008) 530 final

# 2. ACTIONS UNDERTAKEN BY THE MEMBER STATES, EUROPEAN COMMUNITY AND STAKEHOLDERS TO IMPLEMENT THE UN CONVENTION

#### **Austria**

## 1. Accessibility

The Austrian legal order contains no uniform competency regulation concerning disability. This is what is known as an overlap area. There area Federal and provincial laws containing legal rulings regarding accessibility which are of significance to persons with disabilities.

On 6 July 2005 the Austrian Parliament adopted a disability equality package, including the Federal Disability Equality Act as well as Amendments to the Disability Employment Act and to the Federal Disability Act (in force since 1 January 2006). This anti-discrimination package offers for the first time enforceable protection against discrimination for people with disabilities and enshrines legal consequences if the prohibition of discrimination is violated (financial compensation).

One of the key elements of the Federal Disability Equality Act is the prohibition of discrimination on grounds of disability. If services, products, infrastructures, buildings or transport facilities/systems are not accessible, this can constitute a discrimination prohibited by the law and can lead to financial compensation.

For more information see Chapter: 1.9, 7 and 8 of "the Government Report on the situation of persons with disabilities in Austria 2008<sup>4</sup>

Furthermore, there are guidelines and voluntary standards on accessibility in Austria. Observance of the Austrian standard "ÖNORM B 1600" (barrier-free building and planning principles) has become mandatory for erecting new buildings of the federal administration and, among other things, also for the adaptation of transport facilities of the Austrian Federal Railways to suit the needs of disabled people. Other "ÖNORMEN" apply to educational and trainings institutions, basic principles for planning special facilities for disabled or older people as well as barrier-free tourist facilities, technical aids, mobile wheelchair lifts, acoustic signals, tactile and visual platform paving and toilet facilities for people with disabilities.

For more information see Chapter: 8, 23 to 29 of the aforementioned "Government Report on the situation of persons with disabilities in Austria 2008":

Therefore in the light of Article 9 of the UNC the Federal Ministry of Labour, Social Affairs and Consumer Protection in Austria does not envisage further amendments in legislation after the Amendment to the Federal Disability Act (see chapter 6 of the mentioned Report).

<sup>&</sup>lt;sup>4</sup> BEHINDERUNGEN, BERICHT DER BUNDESREGIERUNG ÜBER DIE LAGE VON MENSCHEN MIT BEHINDERUNGEN IN ÖSTERREICH, Michael Bednar, Simone Floh, Claudia Gabriel, Peter Luschin, Karin Miller-Fahringer, Andreas Reinalter, Max Rubisch Bundesministerium für Arbeit, Soziales und Konsumentenschutz, **to order at**: Telefon: 0800-20-20-74, E-Mail: <a href="mailto:broschuerenservice@bmask.gv.at">broschuerenservice@bmask.gv.at</a> or Internet: <a href="mailto:http://www.bmask.gv.at">http://www.bmask.gv.at</a> (Bestellservice)

## 2. Legal capacity

The Federal Law on Guardians for Disabled People ("Guardianship Act"), coming into force on 1 July 1984, was amended in 2007. This act is designed to provide mentally and psychically disabled people who cannot take care of their own affairs with a legally appointed guardian in order to protect them from possible disadvantages. In such cases, guardianship should be limited to the extent that is necessary in each individual case. Guardians and associations for people with disabilities give support. Associations for people with disabilities organize training for professionals.

For more information, refer to Chapter 22 of the aforementioned "Government Report on the situation of persons with disabilities in Austria 2008"

## 3. Access to justice

Persons with disabilities in Austria get special assistance in access to justice, in particular:

- deaf or partially deaf people: interpreters for sign language
- blind or partially sighted people: documents in Braille, read out files
- all disabled persons: facilities concerning E-Government

For more information, refer to Chapter 9 of the aforementioned "Government Report on the situation of persons with disabilities in Austria 2008".

## 4. Independent living

The number of persons with disabilities living in institutions is not known at Federal level, since in Austria the issue is with the responsibility of the Provinces. However, there is a general consensus in favour of the deinstitutionalisation process. Alternatives are being developed, such as community based services. As for initiatives on measuring the quality of services and the impact on the quality of life, systems of Quality Management are being developed, like for example "E-Qalin® - European quality improving innovative learning in residential care homes" ("Leonardo da Vinci"-project). The project has been funded with support from the European Commission. Starting from E-Qalin, also a "National Quality Certificate" for residential care homes in Austria has been developed. "E-Qalin®" could also be adapted for institutions for people with disabilities.

For more details, see the aforementioned "Government Report on the situation of persons with disabilities in Austria 2008", Chapter 1.

## 5. Voting rights

Specific following measures, including issues such as accessibility of buildings and facilities for voting were taken to enable persons with disabilities full enjoyment of their right to vote:

- a). physically disabled people: accessibility, barrier-free buildings
- b). sensory disabled people:
  - deaf or partially deaf people: interpreters for sign language
  - blind or partially sighted people: stencils for ballot papers, tactile paving
- c). all disabled persons: postal vote, voting cards, personal assistance

These measures apply to the 2009 elections to the European Parliament as well.

For more information, refer to Chapter 9 of the aforementioned "Government Report on the situation of persons with disabilities in Austria 2008".

#### 6. Monitoring mechanism

Pursuant to Article 33.2 of the UN Convention the Independent Monitoring Committee of the Federal Disability Advisory Board (at the Federal Ministry of Labour, Social Affairs and Consumer Protection) with representatives from the Federal Government, the Provinces, the Social Insurance Institutions, Stakeholders, Social Partners and the Disability Ombudsman (amendment of the Federal Disability Act 2008) has been established. There are several NGOs and representatives of academic institutions represented in the Monitoring Committee. The Committee has taken steps to involve civil society in a high degree.

For the statistics that might be used for monitoring of the implementation of the UN Convention, refer to the aforementioned "Government Report on the situation of persons with disabilities in Austria 2008"

## 7. Empowerment of people with disabilities

Representatives of stakeholder organisations are involved in many authoritative boards of the Federal government (for example protection against dismissal of people with disabilities, most second level authorities in matters of people with disabilities).

The Federal Disability Advisory Board (at the Federal Ministry of Labour, Social Affairs and Consumer Protection) with representatives from the Federal Government, the Provinces, the Social Insurance Institutions, Stakeholders, Social Partners and the Disability Ombudsman has to be heard by the Federal Minister of Labour, Social Affairs and Consumer Protection in all important issues concerning people with disabilities.

Furthermore, there are various tools and methods used in Austria to foster empowerment of people with disabilities:

- expert's opinion on laws
- support in all questions about equal rights
- raising public awareness: events, campaigns, reports, brochures
- brochures in "Easy-to-read"-versions
- empowerment-programmes financed by the Federal Ministry of Labour, Social Affairs and Consumer Protection
- working teams with representatives from the Federal Government, the Provinces and NGOs
- "Peer-Groups"

## **Belgium**

## 1. Accessibility

In Belgium, accessibility falls mainly within the competence of the federate entities. The buildings of the federal public services have to meet the accessibility standards enacted by the Regions.

One can also refer to Article 9 of the law of 10 May 2007 tending to combat certain forms of discriminations which stipulates that any indirect distinction based on one of the protected criteria constitutes indirect discrimination unless in the event of indirect distinction on the basis of a disability, it that is shown no reasonable installation can be set up. Reasonable installations are appropriate measures, taken according to requirements in a concrete situation, to make it possible for a disabled person to reach, to take part and progress in the fields for which this law is in force, except if these measures impose with regard to the person who has to adopt them a disproportionate charge. This charge is not disproportionate when it is compensated adequately by measures existing within the framework of the followed public policy concerning disabled persons.

There are two legal bases in the German-speaking community:

- a. Erlass der Regierung vom 12. Juli 2007 zur Festlegung der Bestimmungen zur behindertengerechten Gestaltung von bezuschussten Infrastrukturen (Government Order of 12 July 2007 laying down the legal provisions governing facilities for the disabled in subsidised infrastructures): Since the effective date of the Order (2 December 2007), all projects covered by the Order must meet the technical requirements relating to facilities for the disabled if they are to be eligible for subsidies from the German-speaking Community.
- b. Dekret vom 17. Mai 2004 zur Sicherung der Gleichbehandlung am Arbeitsplatz (Decree of 17 May 2004 ensuring Equal Treatment at Work): the Decree is intended to implement various European directives in the Germanspeaking Community. It goes beyond the requirements of the EU directives in that it follows federal Belgium legislation by including additional aspects of discrimination in its definition of discrimination and defining both direct and indirect discrimination

At this moment it is still the federal law concerning "the access of persons with disabilities to buildings accessible to public" (August 19, 1975) that describes the legal accessibility-guidelines in Flanders when requesting a building permit. See the annex for more details.

However there is now a draft of new Flemish regulation concerning the accessibility of public buildings (embedded within the built environment legislation). This regulation deals with accessibility rules for buildings, renovation of buildings, rebuilding, enlargement of buildings, as far as these buildings are open to the public and are being submitted to an urban authorisation.

In Walloon Region, since February 1999, the Walloon code of Regional planning, of Town planning and of the Inheritance (CWATUP) fixed, in Articles 414 and 415, a series of rules

relating to the accessibility of persons with mobility reduced to spaces and buildings or parts of buildings open to the public or for collective use.

By its Decree of 6 April 1995, relating to disabled persons' integration, the Walloon Government takes care to ensure the full and complete participation of disabled persons in social and economic life, some are the origin, nature or the degree of their disability (art.3).

Article 8 of this Decree also stipulates that the government implements programmes aiming at:

- 1. promote the development of individual houses according to architectural standards adapted to the needs of disabled persons;
- 2. promote the development of a transport policy which takes account of the needs of disabled persons;
- 3. make available to disabled persons the establishments and facilities intended for the public, the places of education, of training and of work and the roadway system;
- 4. encourage the adaptation of the means of access to information to the functional characteristics of disabled persons;
- 5. encourage research and the development of new technologies for the social integration of disabled persons.

By its decree of 4 February 2004, the Walloon Government laid down the conditions and the procedures of intervention of material aid to disabled persons' integration.

In concrete terms, the Walloon Agency for disabled persons' Integration (AWIPH), grants interventions for individual requests for installation of the residence and of the post and for technical aid encouraging the social and professional integration of disabled persons.

The Government's Walloon Decree of 23 November 2006, stipulates that disabled persons accompanied by assistance dogs are admitted everywhere except in the places having received an exemption from the authority.

The Government's Walloon Decree of 6 November 2008, relating to the fight against certain forms of discrimination stipulates, in its Article 13, that reasonable installations have to be carried out in order to guarantee the respect of the principle of the equal treatment with regard to disabled persons.

The following guidelines are available

- c. The DPB has prepared a set of guidelines, *Zugänglichkeit zum Wahlbüro!* (Access to the polling station), which uses text, drawings and photographs to describe requirements for parking spaces, access ways and polling booths.
- d. Another set of guidelines is called *Praktischer Leitfaden für Ausrichter von öffentlichen Veranstaltungen* (Practical guidelines for organisers of public events), using drawings, photographs and text to explain how to make events accessible.
- e. The *Eurecard-Label* is a service card that provides proof of a disabled person's entitlement to the cross-border use of services and concessions in the tourism, culture and sports sectors
- f. The *Eurewelcome-Label* confirms accessibility in the sense of making visitors feel welcome (adopting a respectful, obliging and helpful attitude to all visitors, with or without special needs) and encourages greater accessibility through the voluntary reduction of physical barriers as an official label recognising the social benefits of a service as part of brand image

Several accessibility-guidelines and -standards have been developed for specific services (these documents are intended mostly for internal use in the specific organisations): public transportation (De Lijn (= busses), NMBS (= our national railway company)), office buildings of the Flemish government, 'Tourism Flanders' (see also the annex) and road infrastructure.

Examples of leaflets on accessibility are being linked in the annex.

- The campaign 'Accessible Flanders': This campaign wants to raise awareness about accessibility of public buildings. The website <a href="www.toevla.be">www.toevla.be</a> contains information regarding the accessibility both of buildings, premises and tourist facilities such as town and city halls, schools, hotels, museums, socio-cultural centres, sports centres, cycle paths, footpaths and other tourist facilities.

By means of the 'search' function, you can quickly retrieve information related to your own limitations and needs. In this way, you can consult the accessibility and specific facilities for motor disabled, visually disabled, hearing impaired or people suffering from respiratory troubles and allergies.

Various associations published booklets and guides concerning the accessibility the majority of which received financial support from the Ministry of social Affairs and from the Health of the Walloon Region.

As examples of publications:

- The event accessible by the ASBL Year 2000
- Tourism in Belgium for persons with mobility reduced by the Touring Club (2002)
- The dimension accessible by the architecture school of Cambre (March 2004)
- Accecivility by the cabinet of the Minister for social Affairs and of the Health of the Walloon Region
- Gardens accessible to persons with mobility reduced by the ASBL Nature and Progress (2004)
- Booklet of information on accessibility for the attention of the elected representatives, for the attention of the architects and for the attention of the contractors by the Cabinet of the Minister for social Affairs and of the Health of the Walloon Region (March 2004)
- Reference frame on accessibility by the (CAWAB) Collective Accessibilité Wallonnie Brussels comprising 21 associations representative of disabled persons.

Moreover, the ASBL ANLH carries out a database on technical aid (Access AT: www.accesat.be)

Lastly, the AWIPH support of the initiatives intended to disseminate information on technical aid. Disabled persons can obtain this information while applying to the Regional office close

to their residence but also to the CICAT (Coordination of Information and Councils in technical Aid).

The CICAT and the Regional offices establish multiple collaborations with resource centres and of evaluations which ensure an advice specialised in technical aid for disabled persons can thus make a choice lighted in view of their needs and in view of the offers in technical aid available on the market.

In addition to the measures specified in question 2, the German-speaking Community also provides training in accessible construction for architects and their clients and craftspersons. In addition, the *Dienststelle für Personen mit Behinderung* (Office for the Disabled) inspects infrastructure projects to determine their accessibility. Continual efforts are also being made to raise awareness among private developers.

A manual on 'accessibility of public buildings' will be published (on the internet) by May 30, 2009. This manual will be a guideline for architects and public servants on how to create a public building that is accessible for an as large as possible group of people and in particular for people with a disability

Negotiations are currently under way if required to incorporate the accessibility referential into the CWATUP

#### 2. Legal capacity

Any person is presumed able. If a person in situation of disability is not able, a specific legal protective measure can be pronounced by a judge. A tutor, a legal adviser or a provisional administrator are then instructed to exercise certain rights on behalf of the disabled person.

There are several restriction measures of the legal capacity, all provided for by laws. The judicial power is qualified to pronounce these measures and to supervise their application of them.

## • Extension of the minority:

The disabled person is treated as a child of less than 15 years old. Serious mental disabled persons are concerned. The extended minority is pronounced by the Court of First Instance of the place of residence or of the person's disabled residence.

#### • Prohibition:

The Court of First Instance of the place of residence or of the person's residence concerned can pronounce prohibition with regard to a major affected of debility or of insanity. The person concerned is treated as a miner.

## • Designation of a legal adviser:

Persons concerned can negociate no loan, neither buy or sell assets, nor bring trials in front of the judge. Are concerned persons affected of mental deficiency and having a psychic or mental light disability, persons unable to manage their assets and being thus deprived and the elderly insanity people affected. The Court of First Instance of the place of residence or of the person's disabled residence is qualified to designate a legal adviser.

#### • Protection of the mental patients' person:

The mental sick person can be placed in observation to the hospital or be admitted in a family for a period if she is in one of the following situations:

- it endangers its own health and its safety;
- it constitutes a serious threat for life or the integrity of others.

The Justice of the Peace of the person's disabled residence, of the residence or the place in which the patient is qualified to pronounce the measure.

• Protection of persons' assets unable to ensure management of them:

A provisional administrator is charged with the management of the protected person's assets. Persons concerned are major persons, completely or partially, even temporarily, unable to manage their assets due to their health. The Justice of the Peace of the place of residence or of the person's disabled residence is qualified to designate the provisional administrator

The national higher Council of disabled persons can be consulted on the occasion of the modification of the one of this legislation. It can also express opinions of initiative to the competent authorities on these matters.

This matter is discussed currently in Parliament. The national higher Council of disabled persons follows the discussion closely.

## 3. Access to justice

The Belgian Constitution guarantees the equality of all the citizens before the law, and therefore the equal access to justice. However, if a disabled person is the subject of a legal protective measure it can be limited in her legal capacity.

The buildings accessible to the public have in theory to meet the accessibility standards enacted by the Regions. For example, the accessibility of prisons is included in the draft of Flemish accessibility regulation and in German speaking community office for the Disabled offers the following services advice and inspection of plans for infrastructure projects and training in how to deal with the persons with disabilities.

The federate entities also place at the disposal of deaf a number of gestural translation hours in order to enable them to carry out certain formalities.

Les entités fédérées mettent aussi à la disposition des sourds un certain nombre d'heures de traduction gestuelle afin de leur permettre d'accomplir certaines formalités.

On the Flemish regional level there is regulation defining conditions by which one can appeal for support in terms of interpretation for sign language. One must make a difference in sign language support in the daily living field (like in court), in a work setting or in school settings. The amount of hours, one can call for sign language is restricted The *Gericht Erster Instanz* (Court of First Instance) in German speaking community in Eupen uses signlanguage interpreters for German and French where necessary

## 4. Independent living

In Belgium the issue of independent living lies with the responsibility of Federal bodies.

#### **Flanders**

In Flanders, there is available information only for those persons that have asked support from the Flemish Agency for Persons with Disabilities. There are neither figures available about the total number of people with disabilities, nor whether they live in the family or completely independent. According to the available data from the aforementioned source, in 2007 there were 5097 minors and 9937 adults living in residential settings. Most children stay at home in the weekends and school-holidays. The semi-residential settings can differ from large institutions to integrated sheltered living projects in small groups. As for people staying at home, but with support in semi-residential settings during the day, in 2007 there were 3850 minors and 3541 adults. 769 people stayed in foster care. People getting support at home or in very small group-homes (sheltered living) were 8589. In this case the support can vary from occasional psycho-pedagogical support for parents with children with disabilities (4560), to regular support at home (guided living) (2720), to continuous ADL (Assistance Daily Living) support in focus-housing (265), to daily support in small home-groups or for individual living people (1044). Finally, there were 1600 people living at home with Personal Assistance Budget (independent or in family).

Due to different new ways of support, and due to support in the purchase of special equipment, people with pure physical disabilities rarely stay in residential institutions. They mostly stay at home, or in focus-living with ADL-support, or they have a personal assistance budget.

The situation of people with mental or multiple disabilities is very varied. Some of them live independently, i.e. with ambulant support. Some of them get support on a daily basis. Some of them live in small group homes, other in larger institutions. Generally the intensity of support varies with the gravity of the disability.

Recently more input has been given to sheltered living projects. The aim is to increase the amount of staff in group-homes, so that also people with more severe disabilities can be supported. A new legislation will be implemented in 2010.

Apart from the development concerning sheltered living, the amount of people with a Personal Assistance Budget increases every year, and this effort will be continued. In 2009 the VAPH will start an experiment with Individual Budgets. The difference with the assistance budget is that in these cases the person with disability can choose freely whether he "buys" support from an organisation or institution (for example day care or residential care), or whether he hires his own assistance. In 2008 the VAPH launched a new form of counselling to help people in their choices. This kind of guidance is very important when various types of individual support become more available. It is not wise to give simply a personal budget; people need coaching to learn how to properly use these budgets. Also the number of people that can get more ambulant support have increased during the last years, and will still increase in the future.

Concerning the quality of services offered by the VAPH itself to people with disabilities, in 2007, the VAPH questioned a large group of people with disabilities. The results were mainly positive. Concerning the quality of support given by the institutions and services for support, these organisations are obliged to question their clients in order to know how they think about the given support, so that action can be undertaken if there are problems. To this moment, there is no systematically screening concerning the impact on the quality of life.

Short after the implementation of the system of sheltered living (1998) a survey was held by the VAPH to get a clear view on the contentment of the clients. When the VAPH started with the system of Personal Assistance Budgets, scientific research has drown conclusions about the effects on the quality of life. A similar research will be launched also for the new system of Individual Budgets.

As regards what could be done at EU level, exchange of best practises should be promoted, especially concerning the different types of personal budgets supporting the personal choices of people with disabilities.

#### Wallonia

In Walloon Region, the AWIPH does not have general statistics on the number of disabled people living in institution, in their family or in an independent way. However, certain data is available. In 2007, one counts, in the services approved and subsidized by the AWIPH:

- Residential services for young people : 2,848 people

- Residential services for adults : 3,791 people

- Residential night services for adults: 552 people

Total: 7,191 people

In 2007, one also counts, among disabled persons living in their family or in an independent way, frequentation of the following services:

- Day reception services for young people non-able to be educated: 335 young people

- Day reception services for young people : 162 young people

- Day reception services for adults : 552 people

- Accompaniment services : 3,277 people

- Early aid services : 172 young people

- Family employment offices : 142 people

- Services of aid for daily life : 121 people

- Residential transition services : 236 people

Total : 7,777 people

In 2007, 6186 people <u>are entered also</u> having asked for an intervention in the cost of technical aid or of adapted installation making it possible to lead his life in a most independent way possible. The figures relating to the frequentation of the reception and accommodation services only being the subject of an authorization of assumption of responsibility of disabled persons are not currently available.

In order to encourage the deinstitutionalization process, the AWIPH launched a call for project proposals on the respite services, within the framework of its specific initiatives. In a general way, priority was allocated to the projects which: are developed in an ordinary middle; aim to set up, at local level, partnerships (combinations of the resources, cooperation, coordination) - these partnerships have to concern so much services approved by the AWIPH, that services addressing oneself to the whole of the population; improve the

quality of life and of participation of persons and of the families which lives a situation of disability. 20 projects were selected and benefit from subsidizing for 3 years of experimenting. The AWIPH also increased by 100 the seating capacity envisaged in the residential transition services.

In Walloon Region, the AWIPH grants financial contributions in the installation and technical aid cost intended to encourage the person's integration disabled at her place, in the school, in its workplace and for its displacements. The CICAT of the AWIPH ensures the coordination of Information and of the Councils in technical Aid for the attention of disabled persons, of their family, of the associations and of the professionals. For the disabled children, the AWIPH counsel and subsidizes 19 early aid services (SAP). Teams of professionals help at the educational, social and psychological level, the child and his family, of birth (or even before) up to 8 years. SAP also provides information and advice on the crèche and the school. However, parents remain still responsible of the education of their child and of the decisions which concern it.

The AWIPH counsel and subsidizes also 28 Services of aid for integration (SAI) the missions of which are inter alia, of:

- collaborate closely with the ordinary or specialized school attended by the disabled young person. A convention specifying the objectives and methods of this collaboration is signed with the school.
- provide educational aid for the young person and for his parents in order to encourage social and school integration.

The 37 accompaniment Services approved by the AWIPH aim to help adult disabled persons to bring to a successful conclusion projects which will bring them greater autonomy. Moreover, the AWIPH counsel and subsidizes 21 residential transition services (SRT). After the adoption of an individual project with the educational team, disabled persons leave the residential service for the transition service where they can gain in autonomy. Placing individually or in small group, recipients enjoy real independence. The residential transition Services take care nevertheless permanently of the physical, psychological comfort and social of the recipients, which can result in aid in the management of the budget, aid for hygiene or for food, etc Certain disabled persons occupy traditional apartments after a passage in SRT. The 9 services of aid for daily life (AVJ) approved by the AWIPH are intended for persons having a physical disability requiring the aid of a third party. Adapted houses are connected to the service 24h/24. The role of the AVJ assistant is to help the person to carry out activities like rising, the toilet, preparing, the transfers, and the preparation of the meals. Lastly, the AWIPH set up experimenting on personal assistance budgets (BAP) for 25 people, with the aim of providing them support in the social activities, for leisure, for aid apart from the school periods. A decree of Walloon Government is in preparation and should, during 2009, make it possible to grant a BAP to 75 people.

In Walloon Region, the inspection department and Audit of the AWIPH is responsible for analyzing the quality of services. In order to make sure of the quality of the delivered benefits, the audit checks the conformity of the organization and of the operation of the service with the regulation and the provisions concerning the quality of the services. This involves in particular the control of the architectural standards and the equipping, of the quantitative and qualitative standards relating to the supervisory staff and the quality of the benefits delivered to disabled persons. Accordingly, the inspector carries out the evaluation of the implementation of the medico-teaching projects with each service. For that purpose, in collaboration with the services, he evaluates the educational teams and the recipients, the working methods, the quality of the services, the offer of services, the benefits and the quality

of life and the adoption of the projects of the recipients' life. Moreover, under its management contract, the AWIPH envisaged setting up mechanisms of self-evaluation within the approved services with a view to obtaining in particular satisfaction indexes. Currently, two self-evaluation tools were developed for the early aid services and the services of aid for integration. Lastly, the Study, Statistics and Methods service AWIPH carried out a study on the quality of life in operation AVJ and another on the quality of life in adapted work Company.

Regarding what could be put in opens at the European level, the experiment and the good practices of the countries should be underlined having a deinstitutionalization policy advanced by means of conferences, trade, publication programmes.

## **Belgium German speaking Community**

Information on the situation of persons with disabilities in the Belgium German speaking Community are provided in the current activity report 2007 (http://www.dpb.be/pdf dateien/TB2007.pdf) on the DPB website.

There are no large institutions for disabled people in the Belgium German-speaking Community (the two residential homes existing in the Community have 18 and 17 residents respectively).

The residential options open to disabled people depend on personal needs and are individually differentiated. They comprise:

- **Parental home:** the disabled person lives at home with their parents/family. Many families provide residential support themselves, usually in the form of self-contained flats.
- Free market for housing (including social and public housing): disabled people are tenants or own their own homes. Various people send *ad hoc* requests for advice or support to the DPB.
- **Residential resources:** a person, family or couple live with up to four disabled people and provide them with support in their everyday lives according to a previously agreed needs and support plan.
- **Residential communities**: a residential community is an independent, integrated form of residence (i.e. in normal residential accommodation) with selective professional support. The people living there have been able to choose to live together.
- **Residential homes:** a residential home is an institutionalised form of residence with continuous professional support. The people who live there are guided towards it because of their need for care. They have not been given the opportunity to choose the people they live with.

All forms of residence use existing general assistance and support services, i.e.

- Eudomos
- Familien- und Seniorenhilfe (assistance for families and senior citizens)
- *gelb-weißes Kreuz* (yellow-white cross)
- *SOS-Hilfe* (emergency assistance)
- *Die Alternative* (The Alternative)
- Essen auf Rädern (meals on wheels)
- ÖSHZ (public social assistance centre)

• Independent nurses.

The Office for the Disabled also offers the following specific support services with regard to accommodation, family and leisure activities:

- Frühhilfe (early assistance)
- Begleitdienst selbstständiges Wohnen (independent living support service)
- Familienbegleitung (family support)
- Freizeitvermittlung (leisure contact point)
- SENS (friendship, love, partnership and sexuality) counselling service
- short-term stays/respite services,

Institutions for disabled people in the Belgium German-speaking Community are subject to quality management measures. The impact on the quality of life is not evaluated.

## 5. Voting rights

Current regulations already stipulate that in each building where one or more polling stations are established, by tranche of five offices, at least an insulator-compartment has especially to be arranged for the disabled voters, under the terms of the ministerial decree of 6 May 1980, supplementing the ministerial decree of 10 August 1894 concerning electoral furniture for the general, provincial and communal election (Belgian Monitor of 15 May 1980). The voter who wishes to make use of this insulator-compartment expresses the request of it to the President of the office which designates an assessor to accompany it until the adapted insulator. Moreover, a chair has to be placed at the disposal of the disabled not using any rolling chair.

The President of the polling station can moreover permit the voter who, in consequence of a physical infirmity, is himself unable to make himself alone in the insulator or to express itself its vote, to have himself to accompany or assist by a person chosen by the voter concerned (Article 143 of the electoral Code).

Article 9 of the law of 11 April 1994 organizing the automated vote also allows that the voter who feels difficulties of expressing its vote could have himself assisted by the President or by a member of the polling station.

For the elections of 10 May 2007, Ministers Dewael and Mandaila had made a list of recommendations <sup>5</sup> for the burgomasters.

Although this matter is not a prerogative of regions: the office for the Disabled offers the following services in Belgium's German-speaking Community:

- -"Access to the Polling Station "guidelines
- work on raising awareness at district level
- training in "How to deal with the disabled

<sup>&</sup>lt;sup>5</sup>http://www.ibz.rrn.fgov.be/fileadmin/user\_upload/Elections/fr/forms/acces\_bur/lettre\_intro\_recommandations\_f.pdf

In Flanders there is a leaflet available on accessibility of voting bureaus<sup>6</sup>. It will be redistributed on the occasion of the Flemish elections, which coincide with the European elections this year.

The Council advisory Walloon Handicapped person Person sent a mail to the Minister for Home affairs and for the public Service of the Walloon Region, to make it aware of the problems. Moreover, ASBLS "Appartment" and "Pass-Muraille", published, with the support of the Cabinet of the Minister for social Affairs and of the Health of the Walloon Region, a booklet entitled: "Of the citizen.....à the insulator". This publication gives advice on the reception of persons having various disabilities and shows data sheets on the accessibility of the insulators.

Despite the next elections of the European Parliament no publication on the full enjoyment of the right to disabled persons' vote was made. However, a circular similar to that published for the elections of 10 May 2007 is envisaged

## 6. Monitoring mechanism

According to article 33, a monitoring mechanism must be deployed by the various competent authorities in Belgium when the UN convention has been ratified. The various competent authorities are planning to deal with this issue in the near future. Since no decision was taken regarding the setting up of the follow-up body, it is not yet possible to determine how civil society will be involved in the process of monitoring of the Convention.

As mémé, the Belgian Disability Forum and the national higher Council of disabled persons monitored work on the development of the Convention. The BDF expresses opinions during the implementation of the ratification process and will follow the application of the Convention. The national higher Council of disabled persons is also entitled to deliver opinions on this subject, concerning the competences of the federal State.

Article 31 of the Convention of the United Nations stipulates that Part states have to set up a statistics set intended to follow the implementation of the Convention. Each entity or relevant body in the statistics gathering and/or the development of indicators aiming to take care on the application of the Convention can collect and analyze the data concerning its matter. Since there is no single definition of the disability in Belgium, that disabled persons are not obliged to be recorded to one or the other organism, and due to the structure of the Belgian State and of legislation on the protection of privacy, it is not possible to globalize the various statistics.

For example, at federal level, there are statistics regarding the allocations paid into disabled persons, and regarding medical recognitions to benefit from various social and tax advantages. In Walloon Region, the indicators currently used are those relating to the management Contract of the Walloon Agency for Handicapped person Person Integration. Indeed, certain main principles of this contract intersect a number of articles of the Convention.

%20Brochure.pdfhttp://www.binnenland.ylaanderen.be/yerkiezingen/Stembureaus%20-%20Brochure.pdf

<sup>&</sup>lt;sup>6</sup>http://www.binnenland.vlaanderen.be/verkiezingen/Stembureaus%20-

Each Belgian authority is currently drafting its report in line with its respective competences. However a single report combining the information from all the authorities must be considered by the various competent authorities in Belgium when the UN convention has been ratified.

## 7. Empowerment of people with disabilities

The national higher Council of disabled persons is charged with the examination of all the problems relating to disabled persons, who fall within the federal competence. The Council is entitled, of its own initiative or at the request of the relevant Ministers, to deliver opinions or to make proposals on these subjects, inter alia for rationalization and of the coordination of the legal and regulatory provisions. The Council is composed of 20 members, especially qualified due to their participation in the activities of organizations of disabled persons or due to their social or scientific activities

The Belgian Disability Forum (BDF) is an ASBL comprising 20 associations of disabled persons. The ASBL aims to inform its members regarding the repercussions of supranational regulation on the rights of disabled persons. The ASBL also endeavors to make the political, economic and social Belgian actors aware of the need to incorporate the disabled needs of persons into their discussion and decision process. The BDF is the official representative of Belgium within the European Disability Forum.

On local level, people with disabilities and the organizations/associations representing them are represented on the management Board of the office for the Disabled in the German-speaking Community. They are therefore directly involved in important decision-making processes during the formation of the policy for the disabled in the German-speaking Community.

There is also an annual plenary meeting attended by the disabled and all the organizations/associations representing them. The aim is to discuss common concerns and questions and work out joint responses to outstanding issues.

In Flanders, the umbrella organization "Toegankelijkheidsoverleg vlaanderen" ('Accessibility consultation Flanders') represents the people with disabilities concerning the accessibility-topic. They are consulted on the issues that the Flemish Equal Opportunities unit works on.

For the territory of the Walloon Region a Walloon Advisory Handicapped Person Board was created. This council aims to ensure the participation of disabled persons and of their associations to the development of the measures which concern them. To this end, the council:

- represent all the associations representative of disabled persons and can ensure coordination of them;
- give to the Walloon regional Council and to the Government, to their request or for initiative, for the opinions on the guidelines of the policy for disabled persons and on the practical methods of its implementation;
- deliver its opinion on the operation of the Agency and the way in which it carries out the missions which are entrusted to it

Various tools and methods are used in Belgium to foster empowerment of people with disabilities, both at federal and local level.

Debates, dialogues, training are regularly organized by the associative sector. For example, training intended mainly for the professionals, including the professionals of the associative sector, is organized by the SPF Social Security. In German speaking community; each disabled person who contacts the Office for the Disabled is given individual assistance in the form of an *Individuelle Dienstleistungsplan* (Individual Service Plan) (IDP) specifying the measures necessary for their social and occupational integration. Furthermore, awareness-raising measures are also being continually organised to increase the general public's awareness of the needs of the disabled, regular training courses are also available for disabled people. The people concerned and the organisations representing them are actively involved in the *Arbeitsgruppe zur Überprüfung der Umsetzung der UN-Konvention über die Rechte von Menschen mit Behinderung und des Aktionsplans 2006-2015 des Europarates* (Working group for monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities and the Action Plan 2006 – 2015 of the Council of Europe).

In Flanders there were several awareness raising campaign organised to share examples of good policy practice in the field of the built environment:

- The campaign 'Accessible Flanders': This campaign seeks to raise awareness of public building access. The website <a href="www.toevla.be">www.toevla.be</a> contains information on the accessibility of buildings, premises and tourist facilities such as town and city halls, schools, hotels, museums, socio-cultural centres, sports centres, cycle paths, footpaths and other tourist facilities. A 'search' function makes short work of retrieving information related to one's own limitations and needs. In this way, one can look up accessibility and specific facilities for the motor disabled, visually disabled, hearing impaired or people suffering from respiratory troubles and allergies.
- The week on Universal Design: 1-7/10/2007: In this week on Universal Design, many activities were organized to emphasize the importance of design for everyone. These activities mainly focused on acquainting people with the principles of Universal Design and on giving good examples. Over the week a student contest for architects was organized to encourage students to incorporate the ideas of Universal Design in their creations and way of The week started with an opening meeting (1/10/07) which purpose was to thinking. introduce designers, the construction industry and policy makers to the various aspects of Universal Design: best practices that will show how Universal Design can contribute to a more comfortable living environment for all, an information market providing all sorts of information and an excellent occasion to meet people or authorities that use Universal Design. Over the week various activities were organized all over Flanders: a conference on the accessibility of our cultural heritage; 'blind' dining (eating a three-course-meal in a completely darkened room); publication of an 'accessibility newspaper' (featuring good practices). During the closing meeting an inclusive concert in the spirit of full accessibility for people with disabilities (sign-language, feeling chairs, personal assistance,...) was organised.

En In Wallonia, pursuant to Article 120 a) of the new communal law, it is permissible to the communes of to establish an Advisory Board of disabled persons.

These Advisory Boards of disabled persons aim:

- to incorporate the needs of disabled persons into the urban and communal policies of the local authorities.

- to strengthen or establish regular co-operation and dialogue mechanisms enabling disabled persons, by the channel of their representative organizations, to contribute to planning, to the implementation, to the follow-up, to the evaluation of each action of the political and social field aiming at equality and inclusion.

The communal Advisory Boards of the disabled person are charged:

- to provide persons having a disability of the occasions to express their opinion and their concerns via organizations responsible for their governance and for their representativity;
- to guide the communal council for the questions concerning the policies, concerning the practices and concerning the programmes of the commune which affect persons having a disability;
- to ensure the defense of the interests of persons having a disability;
- to keep the communal council informed of the effectiveness of the policies and of the practices of the commune which concern persons having a disability;
- to follow the development of the development and implementation processes of communal or different regulations which affect the life of persons having a disability (for example, parking, mobility, accessibility, approach ramps, obstruction of the pavements, indication of the working sites, etc.) and, if need be, to advise the personnel of the commune and the members of the council on this subject;
- to raise questions and to make recommendations concerning the policies and the programmes which make the promotion of the equal access to the communal services for persons having a disability in the fields of the asset provision and employment services, of housing, of adhesion to committees and of the participation in the activities of the commune;
- to coordinate the distribution, to disabled persons and to the public in general, give information on the decisions of the Advisory Board and of the commune;
- to consult the population and various groups and organisms in order to determine what are the topical questions and to inform of these in the communal council and in the municipal authorities;
- to make the communal population and the public sector aware to the questions which affect the life of persons having a disability.

All the services of reception and of accommodation approved by the AWIPH are required to create a "Council of the users" representing those and, if need be, their legal representatives.

The users' Council comprises at least three members including a President elected in its centre. Its members can under no circumstances form part of the organizing service power. The persons responsible for the service take care of the constitution of the users' Council. They ensure the regular operation of it and a member of staff assures the co-ordination and the secretariat of it. Users and their legal representatives have to be informed of the membership of the users' Council by means of a display board updated regularly by the services.

The users' Council aims to formulate all suggestions concerning the quality of life and the practical organization of the reception or of the users' accommodation. The users' Council also ensures that minutes of the meetings are drawn up and are consigned in a register envisaged for this purpose.

In addition, it has to be consulted for:

- the modifications in order rules of procedure;
- important modifications on the general conditions of housing and of life.

This Council of the users has to be in possession of the médico-socio-pédagogique service project, the users' Council comprises at least three members including a President elected in its centre. Its members can under no circumstances form part of the organizing service power. The persons responsible for the service take care of the constitution of the users' Council. They ensure the regular operation of it and a member of staff assures the co-ordination and the secretariat of it. Users and their legal representatives have to be informed of the membership of the users' Council by means of a display board updated regularly by the services. The users' Council also ensures that minutes of the meetings are drawn up and are consigned in a register envisaged for this purpose.

## Bulgaria

## 1. Accessibility

In December 2007 the Council of Ministers of the Republic of Bulgaria adopted a strategy on providing equal opportunities for people with disabilities 2008 - 2015, which is consistent with the European tendencies regarding equal treatment. The main goals of the strategy served as a basis for the drafting of an action plan on providing equal opportunities for people with disabilities 2008 - 2009. With a view to the multidisciplinary nature of the problems of the people with disabilities, the sections contain planned activities in the various fields of rehabilitation and social integration, persons in charge and deadlines for implementation.

One of the goals of the strategy and the action plan is the establishment of an environment, adapted to the needs of people with disabilities, which includes rendering public, residential buildings, outdoor areas and workplaces wheelchair accessible, provision of accessible transport and accessible information and communications.

There are norms in the fields of: architectural environment, which provide for designing and building up of accessible environment in the urban territories so that it could be used by the whole population, including by disabled people; accessible transport (including civil aviation, water transport, railway transport and road transport); tourism; information and communications.

The rules on the provision of an accessible living and architectural environment are regulated in detail in the Integration of People with Disabilities Act. The above law contains a section with rules on the spatial development of urban territories for the population, including people with disabilities. It is an obligation of the Ministry of Regional Development and Public Works to create conditions for accessible living and architectural environment for disabled people. It is an obligation of the Transport Ministry to make transport services wheelchair accessible. Auxiliary means, devices and facilities as well as medical products for people with disabilities are provided by the Social Assistance Agency. One of the obligations of the State Agency for Youth and Sports and the Ministry of Education and Science is to create, in cooperation with the municipalities, the sport federations and the sport clubs, conditions for social integration of people with disabilities. The Culture Ministry, in cooperation with the municipalities, is obliged to provide conditions for integrating disabled people in the area of culture. The municipalities, within their competence, are responsible for providing accessible living and architectural environment, while the Bulgarian National Television, the Bulgarian National Radio and the Bulgarian News Agency are obliged to provide information, accessible for people with disabilities.

The Republic of Bulgaria has undertaken all necessary measures at national level for the implementation of Regulation (EC) No. 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air as administrative and criminal liability is envisaged for the people having violated the requirements of the regulation. The Commission for the Protection of Competition monitors the fulfilment of the commitments of the tour operators and the tourist agents under Regulation (EC) No. 1107/2006 in its capacity of a national body in charge of the implementation of this regulation.

In air transport, there are effective requirements regarding airport infrastructure and multiple requirements for accessibility for people with disabilities are implemented at community and national level.

In connection with the provision of labour conditions and civil service positions for people with disabilities, the Civil Servants Act stipulates that the appointment body shall provide access for people with disabilities to the buildings, where the administration works, by overcoming the respective architectural and other barriers. Six test centres have been established in the country: in the cities of Sofia, Varna, Plovdiv, Bourgas, Veliko Turnovo and Montana. The tests are computer-based and are held in real time. Candidates with visual impairment sit for the exam in specially-equipped halls with screen reader and speech synthesizer while sign language interpretation is provided for aurally impaired and the test is held in wheelchair accessible halls.

The main guidelines in the Republic of Bulgaria regarding the provision of physical access to public buildings and areas as well as to residential buildings are contained in Ordinance No. 6 on the Provision of Accessible Environment in Urban Territories.

The Transport Ministry, within its competences, has drafted a special programme, Generally Accessible Transport, on the provision of wheelchair accessible transport. The programme is implemented through the Road Administration Executive Agency and the Railway Administration Executive Agency, in coordination with the Finance Ministry, as its main goal is providing greater access for people with disabilities to the transport services. With a view to achieving the above goal, the losses upon intra and intercity carriage are covered under the national budget while carriers are compensated for free of charge travel and reduced fares for certain groups of citizens, including people with disabilities, within the executive budget.

The Ordinance on Administrative Servicing contains a requirement under which the administrations shall provide convenient and easy access for people with disabilities to the administrative servicing unit by adapting service premises and the access to them. For example, the desks for administrative servicing at the head office of the Maritime Shipping Administration Executive Agency and the territorial units in the cities of Varna, Rousse, Bourgas and Lom have been rendered wheelchair accessible. A portal for blind people has been created within the official website of the Transport Ministry.

## 2. Legal capacity

The Republic of Bulgaria, through its legal framework, protects the rights of all age groups of the population. These principles are regulated by the Constitution of the Republic of Bulgaria, the Family Code, the Persons and Family Act, the Public Health Act, the Social Assistance Act, the Labour Code, etc.

Under the Bulgarian legislation the full legal age is 18, which creates the disputable presumption that the respective natural person is capable of performing any lawful legal actions that give rise to legal consequences. However, not all natural persons of legal age, possessing formal capacity, can perform adequately mature and reasonable legal actions. The law-maker has envisaged a possibility for limitation of the capacity upon certain preconditions and terms.

Natural persons of legal age and under age may be placed under disability in the presence of two preconditions: existence of "insanity or mental disorder" due to which the person cannot take care of his/her affairs under the Persons and Families Act. Depending on the level of caused incapacity, a human being is placed under limited or full disability. The proceedings on placing under disability are carried out by the district court by the respondent's place of residence both for full and for limited disability. Persons of legal age can be placed both under full and under limited disability. The same applies to emancipated minors. Minors may be placed under full disability only because they have limited capacity.

A guardian is assigned to the person placed under full disability. He is obliged to take care of the person, placed under disability, manage his/her property, and represent him/her before third persons. He may dispose with the rights of the person, placed under disability, only when the need thereof arises with an authorization from the regional court. A trustee is assigned to the person placed under disability so as to take care of his/her personality and property. Unlike the guardian, the trustee is not a legitimate representatives of the person, placed under disability, while he gives

consent for the legal transactions signed by him/her (in this sense he complements legally the latter's relevant will).

Under the requirements and the procedure for obtaining a driving licence, envisaged in the Road Traffic Act, the physical fitness of the drivers and candidate drivers of vehicles is established in a medical examination, seeking to find out whether the respective person meets the medical requirements to the drivers of the respective category of vehicles. It specifies diseases and conditions, upon the existence of which a driving licence is granted only after an examination by the regional transport medical expert commissions or the central transport medical expert commission.

A Commission on Protection against Discrimination, which is an independent specialized government body, is operational in Bulgaria. The Commission exercises control over the application and compliance with the Protection against Discrimination Act and other laws regulating equal treatment. The Commission is a permanent collegial body consisting of nine members, including a Chair and a Deputy Chair.

Protection of human rights is taught as a course in the law faculties of universities.

## 3. Access to justice

People with disabilities (deaf and ones with aural difficulties) are entitled to specialized assistance in court proceedings. In accordance with Article 4 (3) of the Code of Civil Procedure an interpreter is assigned to a deaf person, involved in a case.

Personal counselling regarding the terms for the provision of legal assistance under the Legal Assistance Act are provided over the phone in case of incidental calls by people with disabilities but specialized assistance by sign language interpretation is not ensured.

In terms if physical accessibility, at presently people with disabilities have access to the ground floor of the building at 1 Razvigor St., the second floor of which houses the National Bureau for Legal Assistance (NBLA). Until the necessary repairs are carried out so as to provide access for people with disabilities to NBLA's seat, there will be brochures or boards with directions on the ground floor of the building and an officer on-duty will be assigned at certain days and hours of the week to provide guidelines and counselling under the Legal Assistance Act. It is further envisaged to provide people with disabilities with access to information through guidelines on the NBLA webpage and launching of a hotline under the Legal Assistance Act.

The Legal Assistance Act does not contain an explicit text regulating disabled people's right to free legal assistance. These persons are entitled to legal assistance under the same terms with socially disadvantaged citizens, who have to certify before NBLA that they receive or are entitled to monthly welfare benefits under Article 9 of the Implementing Regulations of the Social Assistance Act or that they are accommodated in specialized welfare institutions. In this context, it is necessary to amend and supplement the Legal Assistance Act so as to broaden the range of people, entitled to free legal assistance, and the scope of the legal assistance provided in terms of its types and to ease the procedure of providing legal assistance to these people. This is why NBLA is planning to propose the respective changes in the legislation.

It is envisaged to reconstruct the Samoranovo inmate boarding house with the prison in the town of Bobov Dol into a facility for imprisoned people with disabilities by 2015. The proposal has been approved by the Council of Ministers of the Republic of Bulgaria under the strategy on the reformation of penitentiary institutions.

The issues of the access of disadvantaged people (including people with disabilities) to the judicial system are discussed at the seminars, held in connection with the European Convention on Human Rights (ECHR) and, in particular, its Article 6 (entitlement to fair hearing) and Article 14 (ban on discrimination). These seminars are included in the permanent programme of the National Justice Institute and the training schedule for 2009 envisages the holding of three seminars: one on 10-12 February 2009 (Article 6 of ECHR – civil aspects), a second one on 16-18 September 2009 (Articles 5 and 6 of ECHR – criminal aspects) and a third one on 7-9 December 2009 (Article 14 of ECHR and Protocol 12 to ECHR – guarantees for protection against discrimination).

## 4. Independent living

The data provided below regard the number of people with disabilities accommodated in specialized welfare institutions and have been provided by the Social Assistance Agency. On 31 January 2009 in Bulgaria there were 86 specialized institutions for elderly people with disabilities with a total capacity of 6,326 people and 26 specialized institutions for children with disabilities with a total capacity of 1,699 people. The total number of people accommodated in specialized institutions for children and elderly people was 7,489, distributed as follows:

No.	Type of specialized institution	Number of institutions	Capacity/ number of places	Number of accommodated persons
1.	Homes for elderly people with mental retardation	28	2,476	2,300
2.	Homes for elderly people with mental disorders	15	1,266	1,243
3.	Homes for elderly people with physical disabilities	26	1,593	1,479
4.	Homes for elderly people with sensory disorders	4	148	135
5.	Homes for elderly people with dementia	13	843	797
6.	Homes for children with mental retardation	25	1,596	1,466
7.	Homes for children with physical disabilities	1	103	69
	Total:	112	8,025	7,489

The process of deinstitutionalisation is carried out through the promotion of social services in the community and the closure of the specialized institutions. The provision of equal access to services is undoubtedly one of the main challenges in the fight against social exclusion in Bulgaria as its effect and sustainability is strengthened when these services are provided on an individual basis and the ultimate goal is the integration into the labour market. The deinstitutionalisation of social services bringing them closer to the habitual domestic environment is one of the priorities of the policy of provision of social services and it is furthered by broadening the territorial scope, enhancing the quality and diversification of the social services within the community. In this context a series of successful measures are being implemented in Bulgaria. In 2008, as a state-delegated activity, 132 new social services within the community were launched as an alternative to institutional care; therefore social services in the community added up to 334 with a capacity to cover 9,634 people.

The partnership of state institutions, local authorities and non-governmental organizations of people with disabilities are the basis of the successful fast development of high quality alternative forms of social services. This partnership is of key importance to conduct a preliminary study of the different social services in terms of type and scope. Rational, financially efficient and financially ensured plans and strategies are developed based on this study in close cooperation with the NGOs. The latter specify the responsibilities in the course of time and the securing of the resources.

A positive aspect of the provision of social services is the introduced practice of involving the NGOs of people with disabilities and the ones oriented towards them, given their experience, in the management of the services in the community, through joint discussion of the problems and joint decision making. Experts of the regional and district social assistance agencies participate as partners in these processes.

Five specialized institutions for children with disabilities were closed as on 31 December 2008.

As regards alternatives to institutional care, the development of the social services involves the development of a network of social services in the community providing equal access to basic services for vulnerable groups. This is of decisive importance for their efficient social inclusion and participation in public life. In 2008, as a state-delegated activity, 132 new social services were launched within the community as an alternative to institutional care and social services in the community added up to 334 with a capacity to cover 9,634 people. The capacity of four daily centres for children with disabilities, three centres for social rehabilitation and integration, one daily centre for elderly people with disabilities and one daily centre for elderly people was strengthened. Another 26 protected homes were launched in 2008, with which their number increased up to 71 by 31 December 2008. The number of daily centres for children with disabilities was considerably increased up to 55 as on 31 December 2008. During the past year 178 people were accommodated in protected homes, of whom 121 came from specialized institutions, 43 from family environment and 14 from others. As on 31 December 2008 there were 734 people in protected homes. Also in 2008, 44 persons were reintegrated from protected homes: 34 into the community and 10 in family environment.

The Assistants of People with Disabilities National Programme is one of the most comprehensive initiatives of MLSP oriented towards providing high-quality care for people with permanent disabilities in a family environment through the social assistant and personal assistant activities. Pilot projects were launched in 11 municipalities on 1 September 2002. A few months later, on 1 November 2002, the Programme covered the whole country. The analysis of the results of its implementation shows that it has a strong social effect towards

enhancing the quality of life of people with disabilities. While there were 6,230 people employed within the personal assistant activity upon its launching in 2003, in 2008 the number exceeded 11,000 people. The Programme goals involve providing care in a family environment for people with permanent disabilities or seriously ill lonely people, by employing jobless persons as personal and social assistants. Jobless people are employed within the personal assistant activity to alleviate the situation of families, which have a member with permanent disabilities needing constant care. Jobless people are employed within the social assistant activity to satisfy everyday needs, organize activities for the leisure time, and carry out activities for their social inclusion. The activities under the Programme are of considerable importance for small towns and villages in Bulgaria, which lack prospects and possibilities for re-socialization of people with disabilities and where people with disabilities rely only on their relatives.

The issue of the quality of social services is a key element of the social reform in Bulgaria over recent years and it has been included within the MLSP-implemented policies and Programmes and the effective legislation in the field of social assistance. The overall control on the compliance with the statutory instruments in the field of social assistance is exercised by the Minister of Labour and Social Policy, while the specialized one is exercised by the Inspectorate with the Social Assistance Agency. The control on the compliance with the standards and criteria for the provision of social services is regulated by the Social Assistance Act and the Ordinance on the Criteria and Standards for Social Services for Children. The provisions of the Social Assistance Act are further developed in the Implementing Regulations of the Social Assistance Act and the Rules of Procedure of the Social Assistance Agency. The control over the offering of social services is exercised by the Inspectorate with the Executive Director of the Social Assistance Agency, the public councils and the councils of the users of social services, their guardians and trustees. The control regarding the standards and criteria for social services for children is exercised by the State Agency for Child Protection and the institutional control over the quality of the social services is carried out based on the control functions of the Social Assistance Agency through the inspections, conducted by the Inspectorate with the Executive Director of the Social Assistance Agency.

In the period 2004 – 2006, with a view to enhancing the quality of life of users of social services in the specialized institutions, the Inspectorate with the Executive Director of the Social Assistance Agency conducted three times national monitoring on the compliance with the standards and criteria for the provision of social services to elderly people with mental disabilities, elderly people with dementia and elderly people with physical disabilities or sensory disorders in the specialized institutions.

The social services are also subject to civic control. Public councils are established within the municipalities by decision of the municipal councils and they have the right to exercise control over the quality of the social services in compliance with the established criteria and standards, provide stands for the opening or closure of specialized institutions for the provision of social services on the territory of the municipality and assist the coordination of the provision of social services. Another form of civic control is the councils of the users of social services, their guardians and trustees. They are set up with the purpose of protecting the interests of the users of social services and exercising public control. The councils have advisory functions upon the provision of social services and monitor their quality.

## 5. Voting rights

Most of the places for voting (polling stations) are housed in buildings and premises that are state or municipally owned. The provision of access to the polling stations is a part of the overall state policy of integration of people with disabilities given that, under the Integration

of People with Disabilities Act, the provision of access to public buildings and facilities is a responsibility of the respective state and municipal bodies.

Under the electoral laws the regional (municipal) electoral commissions are obliged to monitor the provision of conditions for voting to people with physical or visual disabilities: placing of wheelchair accessible kiosks in the polling stations, establishing polling stations on then ground floors of buildings, so that people with disabilities could go to the polls, and publicizing in a suitable manner through the local mass media and press the measures that would make it possible for people with disabilities to move and cast their ballots on the election day. In this context the central electoral commission shall issue methodical guidelines to the regional/municipal electoral commissions as the implementation of the above measures shall be a part of these guidelines.

In connection with the elections for the European Parliament in 2009 the following measures for participation of people with disabilities in the elections have been envisaged under the now effective Act on Election of the Members of the European Parliament by the Republic of Bulgaria. The regional electoral commission will monitor the provision of conditions for voting to people with physical or visual disabilities. The district electoral commissions will assist to arrange the premises of the polling stations in compliance with the requirements of the law and with a view to providing an access for people with physical or visual disabilities. There should be at least one wheelchair accessible polling station. If necessary, the commission chairman may give a permit that the disabled persons cast their ballot with the help of a companion, specified by them. In this case the name and personal ID number of the companion are recorded.

## 6. Monitoring mechanism

The Republic of Bulgaria has not yet ratified the UN Convention on the Rights of Persons with Disabilities and has not considered the raised issues.

## 7. Empowerment of people with disabilities

A National Council of Integration of People with Disabilities has been set up with the Council of Minister in accordance with the Integration of People with Disabilities Act for the implementation of cooperation in the developing and conducting of the policy in the field of integration of people with disabilities. It is an advisory body, which includes representatives of the state, named by the Council of Ministers, the nationally representative organizations of and for people with disabilities, the nationally representative organizations of workers and employees, the nationally representative organizations of employers and the National Association of Municipalities in the Republic of Bulgaria. The statutory instruments for people with disabilities are adopted after a preliminary stand by the National Council of Integration of People with Disabilities.

#### **Cyprus**

#### 1. Accessibility

Regarding the above issues there are specific references in the general law "The Persons with Disabilities Law" relevant to accessibility. In particular, Article 6 of the Law prohibits discrimination against persons with disabilities in relation to the provision of goods, services and facilities.

In relation to public means of transport of persons with disabilities there is a special Law "the Approval of Type of Vehicles Law" defining specifications and technical requirements. The responsibility for the implementation of the Law is under the Ministry of Communication and Works.

Regarding accessibility of public buildings there are also special regulations "the Regulation of Roads and Buildings Regulations" defining specifications and technical requirements for persons with disabilities. The responsibility for the implementation of the Regulations is under the Ministry of Interior.

Under the Ministry of Communications and Works there is a link where one can find guidelines in relation to accessibility of public roads and buildings.

# http://www.ekstratia.blogspot.com/

There is a process which has started by a technical committee responsible for a screening of all existing legislation in Cyprus under the light of the UN Convention. It is not yet clear of any new accessibility legislation or guidelines is needed but it will be promoted if that is the case.

#### 2. Legal capacity

Disability is not legally a ground for restriction of legal capacity.

According to Article 28 of the Constitution of the Republic of Cyprus 1960:

- "1. All persons are equal before the law, the administration and justice and are entitled to equal protection thereof and treatment thereby.
- 2. Every person shall enjoy all the rights and liberties provided for in this Constitution without any direct or indirect discrimination against any person on the ground of his community, race, religion, language, sex, political or other convictions, national or social descent, birth, colour, wealth, social class, or on any ground whatsoever, unless there is express provision to the contrary in this Constitution."

Furthermore, the Persons with Disabilities Law prohibits any kind of discrimination - direct or indirect - against persons with disabilities.

The Ombudsman Law provides the Ombudsman with the responsibility to act as the Equality Authority. As from 2004 the Office of the Ombudsman has undertaken by Law to act also as the Equality Authority with the responsibility to investigate any complaint by persons with disabilities or their organizations for discriminations against them. The Authority has the right to issue obligatory orders or to impose financial or other penalties to those proved to violate the principles of equal treatment of persons with disabilities.

The number of complaints submitted by persons with disabilities or their organisations to the Equality Authority (a responsibility assigned to the Ombudsman) is very low.

#### 3. Access to justice

All necessary steps have been taken in the courts to enable persons with physical disabilities to have effective access to justice. All the necessary equipment and facilities have been installed in the court buildings for persons with mobility disabilities. In the event that no such facilities (i.e. elevators) are in place then all the necessary steps are taken so that the person with disabilities has access to justice (in this case i.e change of court room). Persons with hearing disabilities are provided with all the necessary assistance, which includes sign language.

Furthermore there are training courses for police officers. The aim at the Police Academy is to provide a general sensitisation to all its trainees and new recruits on human rights and such courses are reinforced with the presence of specialists/professionals (criminologists, lawyers, judges, psychologists, members of non-governmental organizations, university professors etc.) who have either an academic background or are experienced in the area of human rights.

A series of training courses on discrimination, human rights, constitutional rights, multiculturalism are organised at the Cyprus Police Academy at various levels (basic police training, Sergeants' and Inspectors' Courses). Moreover, police personnel attend international seminars and other events relating to human rights, discrimination and racism.

However, specific seminars or special training courses on issues related to persons with disabilities are not organised at the Cyprus Police Academy.

## 4. Independent living

The Social Welfare Services manage six Homes in the Community for persons with disabilities. Each unit houses five persons in a home environment. Furthermore they manage "Nea Eleousa", which is a home for 20 persons with severe mental and physical disabilities. However, the Social Welfare Services are in the process of deinstitutionalizing 9 persons out of the 20 living in "Nea Eleousa". Two new Homes in the Community will be created in Nicosia. The first will host six adults and the second will host three children. Furthermore, the Social Welfare Services grant state subsidies for NGOs that operate 13 Homes in the Community of 5 persons each, 2 institutions for persons with severe mental and physical disabilities (28 persons in Limassol and 2 persons in Larnaca) and one institution for persons with mental retardation (30 persons in Limassol). A measure implemented by the Department for Social Inclusion of Persons with Disabilities is the provision of a monthly allowance for care services to persons with tetraplegia or paraplegia. This allowance enables them to employ or use the services of assistants to help them to have an independent living at their homes.

The deinstitutionalization process is an ongoing process. It started in the early 1990s in both the state and the non-governmental sectors for persons with mental and physical disabilities. An example of the Social Welfare Services concerning deinstitutionalization is the operation of Homes in the Community for persons with disabilities, as described above. Now the Social Welfare Services are in the process of deinstitutionalizing 9 persons (6 adults and 3 children), who are now housed in "Nea Eleousa" institute, and will be placed in two Homes in the Community respectively.

In addition to the Homes in the Community, 19 day centers have been developed by NGOs through the state grants-in-aid Scheme. The Social Welfare Services of the Ministry of Labour and Social Insurance is the responsible governmental body for providing Public

Assistance. The Service for Public assistance, the Elderly and the Persons with disabilities, ensures the right to a decent standard of living, through the provision of financial assistance and/or social services to persons, whose resources are not sufficient to meet their basic needs as determined by legislation. Public Assistance may be provided in the form of money and/or services depending on individual needs. The rates of public assistance allowances are indexed annually to a special consumer price index for selected goods and services, which cover basic needs.

People with disabilities are entitled to the provision of public assistance. Although a person in full-time employment is not entitled to public assistance, supplementary public assistance may be provided to certain high risk groups, such as persons with disabilities, even if they are employed full-time provided they meet eligibility criteria. Furthermore, people with severe disabilities fell in the category of public assistance recipients whose income and assets are excluded. In addition, the Department for Social Inclusion of Persons with Disabilities operate several social schemes for: the provision of monthly financial allowances, provision of financial assistance for the purchase of wheel chairs, technical aid and equipment.

The Ministry of Labour and Social Insurance has recognised the need for formulating a legal and institutional framework within which Homes in the Community must operate and is in the process of establishing a technical committee for this purpose. By formulating this framework, standards of quality provided will be set which will help to measure the results. The co-ordination of this project has been undertaken by the Department for Social Inclusion of Persons with Disabilities in co-operation with the Social Welfare Services and the Committee for the Protection of Persons with Mental Disabilities.

As for what could be done at EU level, several standards could be produced concerning the services provided to persons with disabilities. The Member States could adopt those measures for a more holistic approach to issues concerning persons with disabilities. Also guidelines could be provided as to adopt ways of measuring the quality of services provided and the impact on the quality of life. Furthermore, exchange of information of good practices should be undertaken at EU level from all Member States.

#### 5. Voting rights

Unfortunately the contribution of the responsible Ministry of Interior was not received on time. As soon as it is received it will be sent to you.

## 6. Monitoring mechanism

In Cyprus an independent mechanism pursuant to Article 33.2 of the UN Convention has not yet been nominated. The form of such mechanism will be discussed during the screening process of existing legislation under the light of the UN Convention and will be decided in parallel with the ratification process. The participation of civil society in the independent mechanism which will be created is definite.

For the time being the representatives of the Organisations of Persons with Disabilities as well as the representatives of the social partners participate in the Pancyprian Council for Persons with Disabilities which is the highest consultative body for the issues of persons with disabilities. The technical committee which has been set up for the monitoring of the ratification and implementation of the UN Convention operates with the participation of all representatives and reports to the Council.

Any reporting to the UN regarding the Convention for the time being is undertaken by the Department for Social Inclusion of Persons with Disabilities which has been defined as the focal point for the ratification and monitoring of the implementation of the Convention. However a standard format for reporting to the UN has not yet been decided

Recognising the need for the establishment of National Records on persons with disabilities in Cyprus, the Ministry of Labour and Social Insurance has prepared a plan for the creation of a new System for the Assessment of Disability and Functionality based on the International Classification of Functionality, Disability and Health of the World Health Organisation. The new System will provide to all public services related to persons with disabilities with updated necessary information on the number, nature and degree of disability and the needs of each person so as the proper interventions will be provided to each person. It will also enable the collection of statistics and development of indicators related to the application of the Convention.

# 7. Empowerment of people with disabilities

In accordance with Article 10 of the Persons with Disabilities Law, the Pancyprian Council for Persons with Disabilities was established being the highest consultative body for the issues of persons with disabilities. The Chairman of the Council is the Minister of Labour and Social Insurance and its members are independent persons and the representatives of coresponsible for disability issues Ministries, the Organisations of persons with disabilities and the social partners (trade unions and organisations of employers). The role of the Council is to provide consultation to government as to the formulation, monitoring and implementation of social policies for persons with disabilities.

Furthermore, consultation with the Cyprus Confederation of Organisations of Persons with Disabilities is an obligation by Law for every state service before the taking of any decision affecting any disability issue. This Law "the Consultation Process for Disability Issues Law" applies since 2006.

The representative organisations of persons with disabilities participate in many technical and advisory committees for the implementation and operation by the Department for Social Inclusion of Persons with Disabilities of several schemes mainly for the provision of financial and other assistance to persons with disabilities.

In addition, the Department for Social Inclusion of Persons with Disabilities operates a scheme for granting financial assistance covering operational expenses of Organisations of Persons with Disabilities as well as the Pancyprian Confederation of them.

A significant number of training courses, seminars and learning events are organised by state services and NGO's.

# **Czech Republic**

### 1. Accessibility

In the past years a number of new prescriptive legal acts or their amendments have been adopted in order to ensure accessibility of built environment. Under the current legislation all new constructions and changes to structures (in public buildings) as well as transport infrastructures must meet certain accessibility requirements. The core document of these legal provisions is The Act No. 183/2006 Coll., on town and country planning and building regulations (The Building Act) and its implementing regulations. The Act lays down the obligation of fulfillment of general requirements for construction. The definition of the general requirements for construction includes, among others, the general technical requirements ensuring the use of structures by persons with reduced mobility and people with sensory impairments (§2 par. 2e). What is really important about the Act is that it defines barrier-free use of structures as a matter of public priority and interest.

The key implementing regulation of the Act, setting the standards and requirements for accessibility in public constructions, is Decree of the Ministry for regional development No. 369/2001 Coll., on general technical requirements concerning the use of buildings by persons with reduced mobility and orientation (as amended by the Decree No. 492/2006 Coll.). The decree further refers to other regulations, namely to Czech technical standards (norms) that define in a detailed way technical specifications and safety guidelines for construction of elevators, vertical platform lifts etc. Recently an amendment of the Decree No. 369/2001 Coll. has been prepared by the Ministry for regional development and should be adopted after its notification in Brussels. The proposal aims to define more precisely the rules in the area of accessibility, taking into account needs of particular groups of persons with disability.

The English version of the Building Act is available on the following website: http://www.uur.cz/images/publikace/sz/183\_2006\_EN.pdf

The Decree No. 369/2001 Coll., can be found on this website: http://www.uur.cz/images/publikace/infomat/PDF/Zakon\_EN.pdf 7

Further accessibility standards are laid down in the two following Government regulations: Government regulation No. 27/2003 Coll. on the technical requirements for elevators, Government regulation No. 163/2002 Coll. on the technical requirements for selected construction products (as amended by Government regulation No. 312/2005 Coll.) and Government regulation No. 176/2008 Coll. on technical requirements for machinery.

Provisions concerning the accessibility of public transport are included in the following legal acts:

The Act No. 266/1994 Coll. on railways, as last amended

<sup>&</sup>lt;sup>7</sup> On this website please search only for this implementing regulation (Decree No. 369/2001 Coll.), for the Building act itself use the previous link: <a href="http://old.mmr.cz/upload/files/080710">http://old.mmr.cz/upload/files/080710</a> The building Act.pdf !!! Please be also aware of the fact that this English version does not contain the latest amendment by the Decree No. 492/2006 Coll. and that the current decree is to be adapted soon (as mentioned above).

The Act No. 111/1994 Coll. on road transport, as amended

The Act No. 49/1997 Coll. on civil aviation, as amended

Decree of Ministry of transport No. 177/1995 Coll., as amended, stipulating construction and technical regulations for railways (The decree lays down in § 21 par. 1 h) that railway stations designed for public personal railway transport must have barrier-free access to facilities used by passengers.)

Decree of Ministry of transport No. 173/1995 Coll., issuing the railway transportation rules, as amended. (The decree stipulates the rules for accessibility adjustments of railway vehicles).

As it has been mentioned above, the current legislation lays down obligations of accessibility for new structures and reconstructions. The responsible persons and authorities are obligated to take into account and respect the accessibility for persons with disabilities. However, the legislation does not tackle the problem of the existing barriers in the transport infrastructure and public buildings built prior to the effect of the legislation (unless the building or infrastructure is to be reconstructed, in such case the current legislation applies). There is not any time limit set for removal of these barriers. Barriers are removed gradually, depending largely on the initiative and financial resources of individual institutions and private owners.

However, there is the National Development programme of mobility for all being implemented, which is designed to encourage municipalities to remove barriers in public buildings and infrastructure. The National Development programme of mobility was adopted by Government Resolution no. 706/2004 along with its Financial plan and was amended by Government Resolution no. 292/2008 (with the perspective of implementation in the years 2005 – 2015). The financial resources are allocated in the budgets of relevant ministries and other state institutions (e.g. the State fund for transport infrastructure). The programme aims to financially support municipalities in their efforts made to remove barriers in the built environment. Subsidies granted under this programme can be used to remove barriers in buildings of public and state institutions, such as schools, health and social care institutions, building of cultural institutions, town halls and other state administration buildings, and also in transport infrastructure). The municipalities involved in the programme are supposed to work out comprehensive projects on accessibility (general accessibility plans).

As far as the accessibility of goods and services is regarded, this obligation is proposed to be laid down in the Anti-discrimination Act. Unfortunately this Act which is supposed to guarantee the general protection against discrimination on all grounds, including disability, has not yet been approved. The protection against discrimination should include the equal access to and provision of goods and services, making these as accessible as possible for people with disabilities.

In the context of services we should also mention some legislative measures undertaken in the field of ICT accessibility. In 2005 the Act No. 127/2005 on electronic communications was adopted, ensuring access to telecommunication services for people with disabilities. (http://web.mvcr.cz/archiv2008/micr/scripts/detail.php id 1282.html).

As for the electronic accessibility of public administration in 2008 Decree on accessibility of public administration websites (Decree no. 64/2008 Coll. of the Ministry of the Interior) came into force, as an implementing regulation of the Act No. 365/2000 Coll. on public administration information systems. The decree provides for full accessibility of public

administration websites for persons with disabilities, namely for persons with visual impairments.

### 2. Legal capacity

The issue of legal capacity is very complex and technical, and there are still some problems in terminology. In the Czech Republic (in our terminology) there is no restriction of legal capacity of people with disabilities, but some restrictions apply on legal capacity to act.

In connection with the introduction of a new proposal of the Civil Code, the Government of the Czech Republic initiated also a discussion on necessary changes in the restrictions of legal capacity in order to ensure that people with disabilities are able to exercise their rights to the fullest possible extent.

In accordance with the adopted UN Convention on the Rights of People with Disabilities, the new proposal of Civil Code of the Czech Republic brings the reform of guardianship system in the country. There are also some alternatives to be introduced to the restriction of legal capacity using the principle of subsidiarity and proportionality, e.g. supported decision-making.

As a principle, the restriction of legal capacity should be possible only if it is necessary for the protection of interest of the person concerned; and the extent of the restriction should be always based on individual assessment, be as minimal as possible and only for affairs or in areas where necessary.

In view of this reform, there were numerous meetings with NGO representatives and other relevant stakeholders. All of them were informed about the changes and could give their comments to the proposals, being fully aware of the fact that such complex changes can not be realised in a short time. However, they demand immediate changes to current practice and procedures in order to restore legal capacity or narrow down the extent of the restriction in legitimate cases.

Measures, such as financial support of special social services and trainings organised by some non-governmental organizations, peer-counselling services were taken to provide for access for persons with disabilities to the support they may require in exercising their legal capacity. Furthermore, setting up, in close cooperation of non-governmental organizations, of new trainings is planned in connection with the adoption of a new legislation.

## 3. Access to justice

As for the physical accessibility of courts and other administrative buildings connected to exercise of justice, barrier-free access to these buildings is stipulated by the Law. The buildings that have gone through reconstruction (or completely new buildings) must be accessible for people with disabilities. Many of the buildings already meet these requirements. The Ministry of Justice (the owner of courts and other buildings) and the Ministry of the Interior regularly allocate financial resources in their budgets for making the relevant buildings accessible (in accordance with the Governmental plan of financing of the National development programme of mobility for all (see paragraph on "accessibility"). The Ministry of the Interior has taken up a project called "P 1000" which aims to remove barriers in 1000 police station buildings all around the Czech Republic.

Moreover, in 2008 the Act No. 384/2008 Coll., on communication systems of deaf and deafblind persons was adopted, amending the previous Act No. 155/1998 Coll on sign language and the amendments of further acts. The aim of the amendment was to extend the scope of the existing act and ensure protection of rights of deaf-blind people, on the same basis with deaf people. The Act takes into account special needs of deaf-blind people in the field of communication. The amended act lays down the definition of blind-deafness and legally enshrines the use of communication systems for deaf-blind people, such as visualisation of spoken Czech language, the Lorm alphabet, dactylography, Braille in tactile forms etc.

Under this law deaf and deaf-blind people are entitled to provision of interpretation services during any proceedings (or when dealing with any important business), in one of the communication systems defined in the Act. Deaf and deaf-blind people have the right to choose an appropriate communication form which best fit them.

The Act No. 500/2004 Coll., Code of administrative procedure, as amended, regulates the practice of relevant bodies, legal entities and natural persons in performance of their responsibilities within public administration. The Act imposes an obligation on the administrative bodies to use appropriate communication systems in procedures with disabled people, namely deaf and deaf-blind persons (section 16, par. 5). It includes an obligation for the relevant body to appoint a sign language interpreter for deaf people pursuant to a special law (the Act no. 155/1998, as amended by Act no. 384/2008 on communication systems of deaf and deaf-blind persons). If a person is unable to use a sign language, the administrative body designates a mediator who is capable of communicating with the deaf person by means of lip-reading articulation. Deaf and blind persons are assigned a mediator capable of communicating with these persons by special sign language for the deaf and blind. The Act also stipulates the rules for transmitting the content of the official materials and documents to blind persons (section 38 par. 3). In a situation that severely disabled person is not able to communicate even with the help of interpreter or mediator, a trustee (guardian) may be appointed for these purposes (the same applies for persons who are incapable of communicating in the procedure due to temporary mental impairment, on condition that this is necessary for the protection of the rights of the person).

The extract of the Act (including s. 16, par. 5) in English is available on the following website: <a href="http://du-praha.cz/drurad/CAP-extrakt.pdf">http://du-praha.cz/drurad/CAP-extrakt.pdf</a>

Different forms of training on that matter for relevant professionals are provided by some human rights organisations.

#### 4. Independent living

The Czech Republic dealt with a lack of statistical information on situation of people with disabilities. With the resolution no. 596/2003 on the "Report on the implementation of the National plan of equalization of opportunities for people with disabilities in 2002", the government charged the Czech statistical office with the task to ensure coordination of statistical data collection on persons with disabilities. For this purpose an inter-sector working group was established. The working group revised the existing administrative sources of data on persons with disabilities finding them insufficient. The Czech statistical office therefore initiated some pilot surveys in this area and then it decided to carry out a sample survey on persons with disabilities in coordination with the Institute of Health information and statistics of the Czech Republic. The survey was performed in 2007, having involved 10 645 disabled persons. The data were collected through questionnaires thanks to assistance of 548 general practitioners (for children and adults). The survey focused on examining the following areas: basic profile of disabled people (sex and age structure), educational profile and marital status, health situation, housing and economic activities. The

data collected in the sample survey were processed in order to provide figures responding to the overall population.

The outputs of the survey are interesting in many ways. As far as housing is concerned, the survey showed that 87% of persons with disabilities live in a standard flat or a house and 5 % of disabled people live in barrier-free flats adjusted to their needs. The survey further indicated that about 5% of persons with disabilities live in social care (residential) facilities. 57% of these residents of social care facilities live in institutions founded by regional authorities. More than half of these 57% residents live in facilities with the capacity of 101-200 beds. 2% of persons with disability use the possibility of living in a flat in a house with provision of assistance services. In this context it should be emphasized that no matter what kind of housing arrangement the disabled persons live in, they are entitled to social services which enable them to live more independently.

Deinstitutionalisation is one of the most important objectives set within the plans, strategies and concepts of the state social policy towards people with disabilities. The relevant measures aimed to support the process of deinstitutionalisation are laid down in *The National plan for the support and integration of persons with disabilities 2006 – 2009* and the *Mid-term Concept of the Governmental Policy towards Persons with Disabilities*. The National plan for the support and integration of persons with disabilities is available on: <a href="http://www.vlada.cz/assets/ppov/vvzpo/dokumenty/NPSI">http://www.vlada.cz/assets/ppov/vvzpo/dokumenty/NPSI</a> 2006.pdf

However, there is still a lot to be done in this area. Especially people with intellectual or multiple disabilities, which represent a large group of residents of social care institutions, should be given more chance to live as independently as possible.

The substantial step towards deinstitutionalisation in the Czech Republic was the adoption of the Act on social services. The Act no. 108/2006 Coll. on social services, which entered into force in 2007, was intended to change the existing system of the provision of social services with the view to enhance the quality of social services and to make the services widely accessible for people with disabilities. Under the act persons with disabilities are entitled to provision of social services, including personal assistance services, no matter where or how they live (whether in their homes or institutions). Disabled people are provided financial support (social services benefit) called "Care allowance" which enables them to pay for social services they need. The amount of the benefit depends on the severity of their disability (no matter what kind of disability is). There are four levels of dependency defined which correspond to four rates of the monthly benefit. The benefit does not usually cover the whole range of expenses for social services, so except this support it is also the regions that contribute financially to the development and provision of social services at local level. The new system enables disabled people to live in their home environment, thus reducing number of disabled persons placed in the institutions. Disabled people can decide where they want to live and how they want to receive the social services. The Act defines and regulates plenty of types of social services, including provision of personal assistance services and social rehabilitation services which enhance independent living of people with disabilities. The Social services Act is available on the following website of the Ministry of labor and social affairs: http://www.mpsv.cz/files/clanky/4088/Annex 3 social services act.pdf.

The Social services Act considerably contributes to the development of alternative ways of provision of social services, promoting community based services and family care. It is also important that the system encourages disabled people to act as clients of social service providers which should support competitiveness and ensure better quality of the social services in general. The Act defines also provision of personal assistance services. These services are meant to help disabled people to manage their everyday activities at home and

also outside home (providing assistance on the way to school or work etc.) which also considerably supports the scheme of independent living.

Social services, as defined in the Act, are registered services. Social services providers have to be registered and the personnel, including assistants, need to meet special qualification requirements (special training for social services workers etc.). This should ensure a certain quality of provided services. For detailed information please see the Act: <a href="http://www.mpsv.cz/files/clanky/4088/Annex">http://www.mpsv.cz/files/clanky/4088/Annex</a> 3 social services act.pdf

Furthermore, standards on quality of social services have been introduced. The Ministry of labor and social affairs recommended the standards on quality of social services already in 2002. These standards became a binding legal provision in 2007 when they were included in the *Decree* no. 505/2006 Coll., an implementing regulation of the Social services Act no. 108/2006 Coll. (The Standards are included in the supplement n. 2 of the Decree.) Quality of social services is defined as a set of standards composed of measurable criteria. These serve as an important tool for the evaluation of the quality of provided social services.

Concerning actions at EU level, some general basic standards on quality of social services provided in EU should be introduced.

# 5. Voting rights

In the Czech Republic, people with disabilities have a fundamental right to vote constitutionally protected. Beyond this constitutional protection, there are special laws that ensure access to voting places and systems. The law gives people with disabilities the same opportunity to vote as non disabled citizens. Polling officials and workers must understand and meet the needs of people with disabilities and in case it is needed, extra assistance is provided. In addition, the law allows people with various disabilities to receive assistance by a person of their choice. These measures apply to the elections to the European Parliament as well.

#### 6. Monitoring mechanism

In the Czech Republic there are some human rights monitoring mechanisms in place and after the ratification of the Convention on the Rights of Persons with Disabilities, their efficiency will be discussed.

The involvement of civil society is realized through the Government Board for People with Disabilities and other formal and informal mechanisms of cooperation, e.g. with the Czech National Disability Council.

The implementation of the Convention is a complex, interlinked, interdisciplinary process, to which not only central administration authorities, but also regions and organizations of people with disabilities contribute

There are several resources of statistical data which will be useful in the context for monitoring the implementation of the UN Convention, e.g. in 2007, the Czech Statistical Office published its comprehensive report about people with disabilities with many relevant statistical data.

#### 7. Empowerment of people with disabilities

Organisations representing people with disabilities play an important role, not to say the most important, in the policy planning and decision-making process concerning disability issues. Probably the most important part is played by the National council of persons with disability, an umbrella organisation which associates and represents hundreds of organisations of persons with disabilities in the Czech Republic. The Council has its representatives in Government Board for people with disabilities, an advisory body of the Government.

Also other representative organisations are invited to take active part in the policy planning, for example through participation in working groups established to deal with any disability-related issues (preparation of new legislation, proposals for amendments of the existing legislation, creation of disability policy plans and concepts etc.).

At local level municipalities are supposed to take into account views and opinions of people with disabilities and their representative organisations when planning disability policy measures (in the field of social services, accessibility etc.). Most municipalities welcome the possibility of discussing the key issues with the organisations and individuals through public hearings, debates, surveys etc.

As far as awareness-raising activities are concerned, plenty of conferences, debates, workshops, seminars etc. are organised in order to mainstream disability issues and to foster active participation of persons with disabilities in public life.

#### **Denmark**

#### 1. Accessibility

# **Buildings**

The new building regulation, BR08 regulates building activities in Denmark. The latest version of BR08 came into force February 2nd 2008. In general, BR08 regulates new buildings, extensions to buildings, conversion of and anyother alterations to buildings and any significant change of use of buildings. To increase the accessibility to public buildings, the accessibility demands in BR08 have been tightened up significantly:

The demand for level access now also applies to escape routes and all units (definite rooms such as offices and meeting rooms) on all floors. Formerly, level free entrance to the ground floor was the only demand. A certain number of seats in public rooms (e.g. theatres and movies) must be designed for users of wheel chairs.

Dimensional demands for toilets in new buildings accessible to the public and in new office and administration buildings have been introduced.

Directing lines/marks for blind and persons with a visual impairment zin front of entrance doors are now required for public buildings with a service function. In addition to this, all buildings with joint access roads have to be marked with different materials, colours or lighting.

The demands for complete accessibility to hotel rooms have been tightened as a specific number of completely accessible rooms - depending on the size of the hotel – are required. The above mentioned demands apply to all new buildings and for all existing buildings in case of major renovations.

## **Transport**

The Ministry of Transport has since mid-2006 focused on developing guidelines for how to work with improvements of accessibility within the transport system.

### E-accessibility

There area also National initiatives to improve e-Accessibility:

- a: Mandatory use of Open Standards for Software in the Public Sector including web accessibility recommendations. From January 2008 it is mandatory for all public websites to use the WCAG guidelines on all new websites and major developments on existing sites.
- b: Comply- or explain: The mandatory use of Open Standards is followed by an obligation to explain non-compliance to the recommendations.
- c: Annual benchmark of web accessibility on public websites from 2008 all public websites will be evaluated by an annual benchmark according to WCAG AA and publish the results on the internet. The following benchmarks will take place in 2010 and 2012.
- d: Guidance to interpreting WCAG AA. A mapping in 2006 concluded that many public web developers find it difficult to understand and implement the WCAG guidelines. In January 2008 the National IT and Telecom Agency launched an improved online guidance effort about web accessibility issues including explanatory text, practical examples and video.

#### Information

The Danish public service broadcasters are as a part of their public service remit obliged to provide a number of services for handicapped persons including subtitling, audio description and sign language.

Public service broadcasting is in Denmark organised on two levels – nationwide and regional coverage. Nationwide coverage consists of DR's nationwide radio and television transmissions and TV 2's nationwide television transmissions. DR (Denmark's Radio) and TV 2 are the Danish national broadcasters. DR is a self-regulating public broadcasting agency and TV 2 is a public ltd. company. Regional coverage consists of eight regional TV 2 television companies along with DR's nine regional radio stations.

Details of the public service remit - including the services to be provided for handicapped persons - of DR and the regional TV 2 television companies are regulated in public service contracts with the Minister for Culture and with respect to TV 2 in a public service license issued by the Minister for Culture.

### 2. Legal capacity

In some cases disability is a ground for restriction of legal capacity. A person with a severe mental disability may have a legally appointed guardian. Depending on disability, other support schemes may be available.

The Civil Affairs Agency Civil Affairs Agency issues general rules concerning guardianship ('værgemål') and performs the chief supervision of regulation on guardianship.

The Agency is, among other things, the appeals body for the decisions of the public administrations in cases on appointment of a guardian, compensation for a guardian, and consumption of funds belonging to the person under guardianship.

#### 3. Access to justice

As all other public authorities, the Danish Courts are subject to Danish law and regulations aimed at reducing the difficulties that people with disabilities face when they come into contact with said authorities.

The Danish Court Administration sees it as a serious obligation to fully live up to these standards which include easy access to court buildings as well as providing various facilities such as lifts and toilets equipped to meet the special needs of the disabled. Furthermore, a person with special need is given the necessary assistance, i.e. support person, sign language interpretation

As part of the ongoing judicial reform, court buildings all around the country are being renovated or replaced by new buildings. It has been decided that 1/3 of all new court rooms are to be modified in a way that allows judges who are disabled to carry out their job on an equal basis with their colleagues. The most noticeable initiative that has been implemented is the construction of a ramp to the judge's bench to facilitate wheelchair access.

There are also training modules for judges, police, prison staff and other officials that might be involved in guaranteeing the access to justice (Kriminalforsorgen).

#### 4. Independent living

The use of "institutions" in the social area was abolished in Denmark more than 25 years ago. People with a mental and/or physical disability can be cared for either in their own homes or in special accommodations — either on a temporary or a permanent basis. In special accommodations (sheltered housing, housing adapted for the elderly/disabled, nursing homes or shared accommodation (where each individual has his/her own room but shares kitchen and living room facilities), care is normally provided as part of a "package deal". For that reason, people living in this type of accommodation are not normally eligible for care allowances or able to choose their own carers.

Persons with long term mental illness/disability may receive treatment in hospitals or in community based programmes.

The Danish social system is based on an "all round" evaluation of needs. If a person has a physical or mental disability, it is the responsibility of the local council to assess the person in order to evaluate his or her individual needs for practical and personal help, technical aids, housing etc. In this way a specific diagnosis will not give the person the right to a certain amount of help. The need for help will be different, depending on the level of activity, housing and job situation, personal situation (married/single, children in the household, health etc.) – all issues which have to be taken into account as a result of the "all round" approach.

- 1. Personal<sup>8</sup> and practical help<sup>9</sup>: help is given at home by assistants, who can be employed by the local council or by authorized private care companies (Social Service Act (SSA) § 83 and § 91). When a person has been assessed and been found in need of personal and practical help, the person can choose between carers employed and organized by the local council or a private care company.
- 2. Relief schemes: if help is normally provided by a relative, the council can offer a substitute carer (in the home) or a temporary relief place in a nursing home. Relief schemes can be given for anything from a few hours up to full-time, depending on the needs and wishes of the primary carer and the person with a disability. (SSA§ 84).
- 3. The person in need of care has the possibility of appointing a person to deliver the care. This person then has to be approved and employed by the local council (SSA § 94).
  - It is possible to get a **care allowance** instead of possibilities 1 and 3:
- 4. If your individual need for personal and practical help has been assessed at a minimum of 20 hours per week, you have the **right** to a care allowance. The care allowance is normally given to the person in need of care. This person can then employ one or more helpers to deliver the care etc. (SSA § 95, 2)
- 5. If the person in need of care is unable to act as an employer, a relative can be given the care allowance as a payment for giving care and/or employ other helpers. (SSA § 95, 3).
- 6. If a person has a very large need for practical and personal help, assistance and monitoring, the local council may give the person a care allowance as a personal assistance scheme (BPA) where the person with a disability employs the helpers of his/her choice (SSA § 96). The BPA normally includes all types of help, including respiratory assistance etc. People who receive help in the form of a BPA often require 24-hour help.

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<sup>&</sup>lt;sup>8</sup> Examples: help to get a shower/bath, getting dressed, mealtime assistance etc.

<sup>&</sup>lt;sup>9</sup> Examples: cleaning, washing of clothes

As regards initiatives on measuring the quality of services and the impact on the quality of life, each local authority must describe their quality standards with regards to personal and practical help.

# 5. Voting rights

In Denmark, the organisation of the conduct of elections has been assigned to the municipalities.

However, the Ministry of the Interior and Social Affairs determines, in its guidelines on the conduct of elections that the municipalities have to take the appropriate measures to facilitate the accessibility to the elections of people with disabilities. For example, the guidelines state that each polling station should have at least one voting booth designed to accommodate three people at the same time. The voting booth should thus have enough space to fit, besides the voter, an assistant appointed by the voter and a polling supervisor or appointed elector, alternatively two polling supervisors or appointed electors, to meet the situation where assistance is needed for the voter to cast his/her vote. The voting booth should as far as possible be designed to accommodate, besides an assistant appointed by the voter and a polling supervisor or appointed elector, alternatively two polling supervisors or appointed electors, a voter in a wheelchair. Moreover, when deciding which buildings/rooms to use for the voting the local council has to take into consideration that the buildings/rooms should be, as far as possible, accessible to voters in wheelchairs or other physically disabled voters.

In second half of 2008, an initiative on assistance to cast the vote was adopted. Hereby, all voters with need of assistance to cast their votes have the right to appoint an assistant to assist them. Besides the personally appointed assistant, there will also have to be either a polling supervisor or an appointed elector present during the cast of vote. Prior hereto, only blind voters and other visually disabled voters had a right to personally appoint an assistant to assist them when casting their votes. All other groups of disabled voters had a right to assistant to cast their votes by two polling supervisors or appointed electors.

These measures apply to the elections to the European Parliament as well.

### 6. Monitoring mechanism

Denmark has not yet ratified the UN Convention on the Rights of Persons with Disabilities and has not considered the raised issues. However, it is clear that however monitoring will be organised, civil society will be involved in accordance with the relevant provisions of the Convention.

### 7. Empowerment of people with disabilities

The Danish Disability Council is a Government-funded body made up of an equal number of representatives from people with disabilities, nominated by the Danish Council of Organisations of Disabled People, and from public authorities. The council's task is to monitor the situation of people with disabilities in society and to act as an advisory body to the Government and Parliament on issues relating to disability policy.

Organisations of people with disabilities (Danske Handicaporganisationer) are consulted on a regular basis on relevant matters and during all stages of the policy-making process.

Furthermore, dialogue through consultation with civil society/disability organisations at all stages of new initiatives, financial support to disability organisations, public funds

(satspuljen) support of training schemes, awareness raising activities are used to foster empowerment of people with disability.

#### Estonia

#### 1. Accessibility

Disabled people are paid special benefits to support the independent coping and Social integration and equal opportunities of disabled people on the basis of the Social Benefits for Disabled Persons Act, which was partially enforced in 2000 and fully enforced in January 2001.

Seven different types of benefits were paid to disabled persons from the state budget in 2006. Four of these benefit types – disabled child allowance, caregiver's allowance, disabled parent's allowance and education allowance – were implemented in 2000. The disabled adult allowance, rehabilitation allowance and in-service training allowance were added in 2001. Benefits are calculated on the basis of the social benefit rate for disabled persons, which are established by the Riigikogu for each budgetary year (in the state budget).

The Ministry of Social Affairs is currently developing the *Strategy for the Protection of the Rights of Disabled People and for the Increase of their Involvement until 2015*, where it is trying to map all of the measures to increase accessibility that are described and planned in the development strategies of all of the above areas. The Ministry of Economic Affairs and Communications has actively participated in the preparation of a disabled people's strategy. Under the jurisdiction of the Ministry of Economic Affairs and Communications national strategic development plans for the near future have been prepared with respect to areas of housing, transport and telecommunications.

### For example:

- \* Building Act If required by the purpose use of the construction works, the works, parts thereof which are for public use and the premises and sites thereof shall be accessible to and usable by persons with reduced mobility and by visually impaired and hearing impaired persons.
- \* According to the *Public Transport Act*, disabled children, people with profound disabilities aged 16 and over, and persons accompanying people with severe or profound visual disabilities or guide dogs accompanying such persons are allowed to travel by public transport free of charge.

Access of disabled persons to public buildings is regulated by Regulation no. 14 Requirements to Guarantee Mobility of Persons with Physical, Visual and Hearing Disabilities in Public Buildings issued by the Minister of Economic Affairs and Communications on 28 November 2002. Similar requirements of access to residential buildings are the objective of one of the measures stipulated in Development Plan for Residential Issues in Estonia for 2007-2013. Improvement of the efficiency of supervision over construction activities and use of relevant measures has been established as a national priority in the area of construction (Strategy of the Ministry of Economic Affairs and Communications for 2008-2011).

The Estonian Housing Economy Development Plan 2008-2013 (approved by the Government of the Republic on 17.01.2008), stipulates several direct activities to improve disabled access under the strategic development trend Guarantee of Housing Availability:

• Supporting the adaptation of housing to special needs.

- Preparation of guidelines with respect to technical solutions in order to guarantee people with physical disabilities access to residential buildings.
- \* Electronic Communications Act The objective of the state organisation of the electronic communications sector is to promote competition in the area of electronic communications and in the provision of services related thereto. Achievement of such objective is ensured, among other, by means of protection of subscribers, including persons with special needs, in the area of choice of services. The objective of the state organization of the electronic communications sector is to protect the rights of the users of communications services, among other, by guaranteeing:
  - 1) Access to universal services to the end-users;
  - 2) Protection of the interests of the end-users;
  - 3) Protection of the confidentiality of personal data and inviolability of personal life;
  - 4) Provision of information by communications undertakings and above all, ensuring the transparency of the charges for and conditions of providing communications services;
  - 5) Taking into consideration the interests of different social groups, including persons with special needs;
  - 6) Integrity and safety of communications networks.

The access of disabled people to information technologies was prescribed in the strategy Fundamentals of Information Policy 2004-2006. The goal was to implement e-services associated with education and health care in the public sector. One of groups given priority was people with disabilities; they were teaching how to use information technologies and guaranty access to Internet points.

It is important to mention that at the beginning of 2005 the Government approved the Estonian Broadband Strategy 2005-2007, whose overall goals were to make the digital services offered by the private and public sectors accessible to all people and thereby to contribute to the increase of the competitive ability of Estonia, the creation of new jobs and the reduction of society's communications and transport costs. The strategy document defined the specific actions to be taken by different authorities in order to achieve these goals. The majority of these actions have been launched and positive results have been achieved.

All local governments and most libraries, several schools and other institutions were provided with online Internet access during the previous KülaTee projects in 1998-2002.

The Information Society Development Plan 2013 approved by the Government of the Republic on 30 November 2006 focuses on how to employ the created "IT power" wisely and in such a manner that it improves the overall quality of life. Information Society Development Plan 2013 stipulates that the information society is created for all people in Estonia, wherein particular attention is paid to integrating social groups with special needs into society and supporting regional development and local initiative. Our goal is for every member of society to live their lives to the full with the help of the opportunities offered by the information society and to participate actively in public life ("nobody will be left out").

Ministry of Economic Affairs and Communications is working out different guidelines in different areas, for example building environments guidelines (universal design).

Furthermore, the Government takes actions to attain equalization of opportunities for persons with disabilities. We use the UNC as an instrument for our policy-making. In the bases of UNC we worked out action plans and future works.

## 2. Legal capacity

Section 2 of the Article 12 stipulates that states parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. Our legislative problem is, that the definition of "person with disabilities" in the convention does not always correspond to the definition used in §8 section 2 Estonian "General Part of the Civil Code Act." According to the Estonian legislation, the person is presumed to have restricted active legal capacity if his/her guardian is appointed by a court due to his/her mental illness, mental disability or other mental disorder is permanently unable to understand or direct his/her actions. According to the abovementioned Act, the restricted active legal capacity is not directly related to disability – when a person has physical disability, it does not automatically mean that he/she has restricted active legal capacity. Section 2 of the Article 12 of The Convention says that person's legal capacity has to be on an equal basis with others in all aspects of life. It means that the aspects for ascertainment of restricted active legal capacity have to be the same for both – people with or without disabilities. According to "General Part of the Civil Code Act" the basis is only person's capability permanently to understand or direct his/her actions, not his/her disability.

#### 3. Access to justice

Persons with disabilities get special assistance in terms on interpretation for sign language and also counselling. Furthermore, Estonia is planning to provide training modules for professionals.

Training modules for judges, police, prison staff and other officials that might be involved in guaranteeing the access to justice are already envisaged. These groups get trainings when they studying their profession.

#### 4. Independent living

The number of disabled persons, i.e. persons with an officially established degree of disability as certified by a medical assessment committee of the Social Insurance Board, in Estonia in the beginning of 2007 amounted to over 115,000 persons or 8.6% of the total population. This mostly includes elderly people -60% of the disabled people are 63 years of age and older.

In 2006 the number of people registered as disabled for the first time was on the same level of recent years— the total of 18,300 people were declared disabled. This number includes children 6%, working age persons 40% and pension-age persons 54%.

The aim and purposes of social welfare are to provide assistance to persons or families in preventing, eliminating and relieving difficulties in coping, and to assist persons with special social needs in social security, development and integration into society, including independent living.

Both the state and local governments have an important role to fulfil in the welfare of disabled people and people with special mental needs.

24-hour welfare services are defined as services to persons who are not capable of living independently due to their need for care, as they need care and assistance for 24 hours a day. These services include: care for orphans and children left without parental care in a social welfare institution, care for adults in a social welfare institution (except for persons with special mental needs), and social welfare services for adults with special mental needs.

Open care services are defined as services provided to a person who lives independently or is supported by the family in his or her natural environment. In the end of 2006, the number of 24 hour care institutions amounted to 175, including 116 institutions for adults (except for persons with special mental needs), 38 institutions providing substitute home services for children, and 28 institutions providing 24-hour care for persons with special mental needs. Seven of the 175 institutions provided services to several target groups at once. The total number of users of 24-hour care services in the end of 2006 was nearly 8,600. More than half (55%) of them were users of care services for adults, 26% were users of services for persons with special mental needs, and 19% users of social welfare services for children. The aggregate percentage of the users of all three abovementioned services was 0.64% of the total population in the end of 2006. It means that 64 of every 10,000 residents were on 24-hour care in a social welfare institution. In comparison to 2000, the number of service users per 10,000 residents has increased by 9. With regard to the total number of service users, the percentage of 24-hour care service users increased in 2006 by 14% in comparison to 2000. The users of care services for adults accounted for the main part of the increase, with an increase by 45%.

The number of users of 24-hour services for persons with special mental needs has decreased as a result of increasing number of support services. The number of recipients of support services grew from 2,634 persons in 2003 to 3,284 persons in 2006. The increase in the number of users of support services in 2006 ranges across all types of services: the number of users of everyday life support services increased nearly by one third, the number of users of assisted living services increased by one fifth, and the number of users of living-incommunity services even redoubled in comparison to 2003. Only the growth in the number of recipients of employment support services remained moderate with an increase by 6%.

The number of users of day care services has increased in 2006 more then 10 000 persons in comparison to 2004.

With regard to open care services, increase was recorded in the number of recipients of home services, prosthetic appliances, and orthopedic or other supported assistance equipment.

More information is available:

# http://213.184.49.171/www/gpweb est gr.nsf/pages/goproweb1862

The state started the deinstitutionalization process in all three main target groups of social welfare – children, elderly and persons with disabilities and special mental needs. Deinstitutionalization requires a number of general actions – prevention of institutionalization, prevention of prolongation of an initially anticipated short-term stay, deinstitutionalization of those who are currently in institutions (creation of community-based services).

The aim of deinstitutionalization is that, all disabled children should live with their own family. Children homes deinstitutionalization started in 1990-s and in the end of 2009 we have 7 new family base homes. Foster care is priority in 2009.

State also started the deinstitutionalization process in 24-hour care services for adult's with special mental needs. We started build up new small family base homes and developing new community based services for this group of clients.

The following action taken: work out mutual aid programs for parents, provision of various services (financial, pedagogical, psychosocial edc.), various accessible and available respite measures, continuity of services and planning of transitions, promoting and supporting active involvement of and ownership by families.

Furthermore, Estonia is working on a new social welfare law. In this law the attention is paid to the social service standards.

### 5. Voting rights

The prohibition of unequal treatment of persons on the grounds of special needs has in currently applicable legislation been stipulated in Section 12 of the Constitution of the Republic of Estonia, which states that all people are equal. The Constitution of the Republic of Estonia invests the supreme power of state in the people, who exercise it through citizens with the right to vote at the Riigikogu elections and referendums.

In addition to this, local government council elections take place every four years and the European Parliament elections every five years.

The right to vote consists of the right to cast a vote and the right to stand as candidate.

A person must be of at least 18 years of age to vote. A person who has been divested of their active legal capacity with regard to the right to vote and a person who has been convicted of a crime and is serving sentence in a penal institution, cannot vote. In order to vote, a person must have been entered in a polling list, which means that they must have the address of their residence entered in the population register.

All citizens can use following opportunities to vote:

- internet voting
- advance voting
- voting abroad
- voting on election day in polling place or at home.
- Mobil-ID voting (available since 2011)

If one is unable to vote at a polling place on the Election Day due to your state of health or for another good reason, she/he may apply for voting at home. Voting at home is organized in the residence of the voter on the territory of the polling division.

In order to vote at home, one must submit a written application to the rural municipality or city government (in Tallinn, district government) of residence until 4 p.m. on the Election Day. The application has to state the reason for voting at home. For example:

- state of health
- advanced age
- difficult road conditions
- lack of transport

The written application to vote at home is sent or delivered to the rural municipality or city government (in Tallinn, district administration) or the polling division of residence of the

voter. The application can be presented to the rural municipality or the city government (in Tallinn, district administration) also during the days preceding the Election Day.

If the division committee considers the application to be unjustified, it will inform of the reasons to deny the application.

Voting at home is organized by at least two members of the division committee who arrive at the location. One must sign the polling list of voters voting at home against the receipt of a ballot paper. After filling in the ballot paper, it must be folded and deposited it into the ballot box. If one has applied to vote at home but go to vote at the polling place while members of the division committee have gone to organize the voting at home, she/he will not be allowed to vote before the members of the voting committee return.

All voting places must be accessible and usable.

#### 6. Monitoring mechanism

Estonian state is collecting all the time statistics and collected materials are usable in monitoring of the UNC. The independent mechanism is not yet established but planned. On the level of state, the Ministry of Social Affairs cooperates with the Estonian Chamber of Disabled People<sup>10</sup>.

#### 7. Empowerment of people with disabilities

Estonia is using different tools and methods to foster empowerment of people with disabilities – meetings, conferences, dialogue, awareness raising, trainings, the state asks for their approval if it works on relevant laws, strategies or other important documents.

The Estonian Chamber of Disabled People is the national co-operation and co-ordination body for the work implemented by and for disabled people in Estonia. And this mentioned organization playing very important roll in relevant policy planning and decision making - process at all levels in our country.

The goal of the Chamber is to facilitate to raising disabled people quality of life in Estonia. For this purpose the Chamber co-operates with governmental bodies and social partners in order to secure that the Estonian legislation and enforcement of the legislation take the disability perspective seriously.

Through social benefits the governments compensate the extra costs for disabled people what is occurred because of the need for external help in the daily life. The severity of disability can be reviewed as a result of rehabilitation, use of technical aids, adaptation of housing or other improvement of the situation.

The tasks of The Chamber are:

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<sup>&</sup>lt;sup>10</sup> The Estonian Chamber of Disabled People is the national umbrella organization for people with disabilities in Estonia. The Chamber has 46 member organizations. These umbrella bodies was established in 1993 and have since then continuously gained new members. In 1998, 16 regional umbrella bodies of the Estonia counties became members of the Chamber.

- participation in the elaboration of the national social policy, specially initiation of the elaboration and implementation of laws and other drafts of legal acts, development plans, programs and projects related to disabled people;
- support social and working activity of disabled people;

support the development and professional growth of member organizations;

- promoting awareness of the society about issues related to rehabilitation, treatment, general and vocational education, re-training, employment of disabled people, as well as their independent ability to cope in the society;
- serving the state, municipalities, disabled people and institutions working with disabled people;
- enhancing collection and generalization of information and statistical data related to disabled people, supporting the activity and research of the respective branches of science;
- formation of positive public opinion in issues related to disabled people;
- co-operation with associations of disabled people of other countries, mediation of information and experiences received from collaboration, participation in international collaboration projects;
- being engaged with the activities of the European Disability Forum as the chamber organization of European disability organizations;
- monitoring the implementation of the United Nations standard regulations in Estonia; requesting the implementation of the corresponding national action plan, as well as to demand improved efficiency of observing the implementation;
- representing its members in other interests connected with disabled people if required;

In order to organize this work better, the Chamber has started commissions for more effective policy work:

- Education commission
- Health care and rehabilitation commission
- Employment commission
- Organizational development commission

#### Greece

### 1. Accessibility

The Greek constitutional law (article 4) defines that all people are equal against the law and that all Greek women and men got equal rights and obligations. According to that article, disable people are equal against the law and there is no discrimination between sex genders. Facilitation and accessibility

The General Secretary of Public Administration and Electronic Government with its circular letters mention the necessity of serving people with disability in priority and urging all public sector services to ensure accessibility to disable people.

Circulars of the Ministry of Interior define that public sector services, institutions and local authorities' services should provide for the accessibility of the built environment to people with disabilities. The Law 2831/2000 contains special clauses for the buildings to be accessible by people with disabilities. These clauses are related to issues such as the accessibility to entry-exit points of buildings, to sidewalks, elevators, post mail boxes and etc.

The Ministry of Environment, Physical Planning and Public Works has organised a "Committee of Accessibility" which recommend to the Minister issues that have to do with the implementation of the Law 2831/2000. Among others, members of this Committee are people from the National Confederation of Disabled People (ESAMEA).

The Athens Urban Transport Organisation's (OASA- <a href="www.oasa.gr">www.oasa.gr</a>) provides information about the accessibility to and the use of all means of transport (bus, trolley, metro, tram, train). In addition, the related infrastructure such as airports, bus and railway stations are accessible to disability people. Most of city's transporters means are equipped with ramps in order to facilitate the boarding of people with disabilities using wheel-chair.

Although there is no specific legislation about the e-accessibility and the participation of disable people into electronic government society, institutions or disability organisations develop websites in order to cover the special needs of this category of people.

All Greek authorities, ministries etc. promote the right of disable people to accessibility in all areas of their daily and professional life. The article 9 of the UNC is a guideline and all efforts made under its principles.

# 2. Legal capacity

The Article 21, section 2 of the Greek Constitutional Law refers very clear that "Disability people got the right to delectate all measures which ensure the autonomy, the professional accession and their participation in social, economical and political life of the country".

According to this clause, the Greek constitution is tone in with other countries progressive constitutions adopting the social model for disability. In specific, this clause in accordance with that of "citizenship and equality" (article 4, sec 1) and that of article 116 sec.2., which allows the receipt of positive measures for those groups living in an imparity status, allows the lawmaker to take all measures which are necessary for the protection or the facilitation of disable people.

Within article 22 of the Greek constitution founded the right of disability people in the work and the protection of work that provides. In general, are regulated the benefit of work, employment conditions, the wage, the promotions, the education in the work and the all arrangement of benefit of work by the disability people, under the significance that are prohibited discriminations in the above subjects because of their infirmity and mentioning that:

"Work is a right and shall be placed under the protection of the State, which shall take measures with a view to creating conditions for full employment and for the moral and material improvement of the working agricultural and urban population".

The Law 3304/2005 aims at implementing the principle of equal treatment regardless of racial or ethnic origin, religious or other convictions, disability, age or sexual orientation in a wide variety of fields. Furthermore, it designates or establishes bodies for the promotion of equal treatment (a special Equality Commission within the Ministry of Justice, the Office of the Ombudsman and the Labour Inspectorate). This new legislative framework will provide a fresh impetus to the ongoing effort of Greece to ensure strict compliance with the principle of non – discrimination, in accordance with its constitutional provisions and international obligations.

# 3. Access to justice

Special provisions of Civil and Penal Code are applied for the effective access to justice for people with disabilities. The articles 1666-1687 of Civil Code that took effect by the article 13 of Law 2447/1996, provide for the judicial supervision of people with disabilities.

In the frames of educating general public and their sensitization on the rights of people with disabilities, writing material and specialised seminars, are take place in individuals that work in public services and that are called to serve with the better possible way disable people. Training modules for people involved in justice procedure are in high importance towards to get educated in the way to assist disable people in any stage of justice procedure.

#### 4. Independent living

In 2007, in all Units of social care of public right that had been developed in the territory, 2474 people with disability, either physical or mental were hospitalised in these structures.

The exact number of disable people who live with their own family is not clear known. Hopefully these figures will be available soon, helping all the authorities to develop a target policy for this specific group of people.

In Greece have been developed the following structures, public character, for individuals with disabilities.

Roofs of supported existence of disability people.

Aim of these roofs is the guarantee of permanent existence and residence in the individuals who live in them. With the ministerial decision 3394/2007 are determined the "Conditions of foundation and operation of Roofs of Supported Existence of People with Disability that is characterized by mental delay".

Centers of Education. Social Support and Training for people with disabilities (KEKYKAMEA) Law 2646/1998, 3106/2003, 3329/2005 and ministerial decision 45162/2005 provide, among others, services for the early intervention, psychological, consultative support and guidance for people with disabilities and their families.

Centers of creative employment of children with disability.

Aim is the creative employment of children with disability, via programs of expression and entertainment, exercise of reason, growth individual and social dexterities, exercising and bodily education. These centres realise programs of professional education and training supporting services to the children and their familial environment.

According to Laws 2072/1992, article 30 and 3329/2005 article 22, people with disabilities can live in apartments and boardinghouses either autonomously or by being supported by specialised staff. In addition, people with disabilities can take interest – free loans by the Organisation of Labour Residence (OEK) for the purchase or erection of their own residence.

Since 2000, the Ministry of Health and Social Solidarity has implemented programmes for the deinstitutionalisation or deterrence of institutionalisation of people with disabilities. Such programmes (for example apartments, boardinghouses, simulated residences, hostels-roofs) are followed either by local authorities of the Centers of Education, Social Support and Training of people with disabilities (KEKYKAMEA). Within the framework of the Third Community Support Framework, 16 Support Centers for People with Disabilities have been planned to operate, including specialised ones for children with disabilities, in the prefectures where there were not any KEKYKAMEA. We have already begun the procedures for the construction of 9 Support Centers.

#### 5. Voting rights

The voting procedure and the facilities where people with disabilities may vote are appropriate and accessible to them. In addition, citizens with physical disability have the right to address to the returning officer or a member of the supervisory board that ought to facilitate them at the voting procedure.

In each electoral centre ensured the access in that for people with disabilities, so that they practise their right voting. In the case where some disable people (for any reason) cannot practise the electoral right, the judiciary stops temporally the electoral process, and returns externally the electoral center where the disable person is, and helps him to vote.

Also, any elector because of disability cannot go to the electoral center, after special application, two members of supervisory committee can go to the residence or the place of stay of disable person so that they serve him in the voting. According to the opinion of Central Electoral Committee, the voting with portable poll constitutes extraordinary case voting except electoral department, with exclusive aim the guarantee of possibility, at the date of elections, for the exercise of electoral right from the kinetically prevented elector.

# 6. Monitoring mechanism

As the article 33.2 of the UN Convention for the rights of people with disabilities reports, a monitoring body should be defined so that it facilitates and supervise the application of terms of convention in different sectors and different levels. In Greece, this body has not been defined yet and until this done, all relative ministries are called to have in mind the provisions of convention, when they want to regulate questions that concern the people with disabilities.

The role of the National Confederation of Disabled People (ESAMEA) and the National Confederation of Parents and Tutors of Disabled People (POSGAMEA), the most representative non-governmental organisations of people with disabilities, may participate in

the dialogue with the Ministries' services for the determination and implementation of the UN Convention and also for the nomination of the monitoring body.

Statistical elements that concern people with disability are assembled by each ministry separately and these are analyzed and proceed in the light of U.N Convention. More indicators are forecasted to be developed afterwards the ratification of U.N. Convention and this will help considerably the better follow-up of subjects that concerns disability people.

# 7. Empowerment of people with disabilities

People with disabilities and their representative organisations participate as full members to several committees and working groups at national, regional and local level contributing to the formulation of the policies for people with disabilities. In addition, they are members on political parties on an equal basis with ordinary members and to several non-profit organisations.

According to Law 2430/1997, every year on the 3rd December – which is the official Day of people with disabilities, several events take place under the aegis of Greek Parliament, the Ministry of Health and Social Solidarity and the National Confederation of Disabled People (ESAMEA) with the purpose to raise awareness the human and social rights of people with disabilities in Greece. At the same day, every year, ESAMEA, submits to the president of Greek Parliament a report related to the situation of people with disabilities in Greece.

It is a priority for all authorities, ministries and unions of disability people to encourage the awareness of issues disability people met, to participate in a common base dialogue which affects positive the implementation of programmes and actions in the field of disability.

Seminars, lectures, conferences are realised in regular intervals with subjects that are related with disability and the parameters not only for the disable person itself but also for the society in whole. Such a conference took place in Athens, June 2007 with title: "People with Disabilities and Media". These meetings, seminars, conferences mainly are organised every year by the Secretariat General of Communication/ Secretariat General of Information throughout the country aiming to promote positive attitudes towards people with disabilities. Advertising campaigns also are promoted by the government authorities or by non-government organisations, aiming at the sensitization of society in the subject of disability, showing ways of improvement the life of disability people.

#### **Finland**

Finland has not yet ratified the Convention and the answers to the questionnaire must be interpreted accordingly.

### 1. Accessibility

Finland has not yet ratified the Convention and the answers to this question must be interpreted accordingly.

The Finnish Building Code lays out technical regulations and guidelines which supplement the Land Use and Building Act. The Building Code applies to new construction; renovation and refurbishment are mainly outside the scope of the Building Code. Presently the Finnish Building Code is feature-based, i.e. requirements are mainly set for technical characteristics and the implementation of individual building components. Particularly the following decrees set out the requirements for the accessibility of public and residential buildings; F1 Barrier-free building, F2 Safety in use buildings, G1 Housing design, G2 Subsidized housing

(http://www.ymparisto.fi/default.asp?contentid=68171&lan=en).

There are various guidelines concerning physical accessibility of buildings, as well as guide books on how to interpret building standards.

The following organisations have given voluntary recommendations on the accessibility of communications, which are based on international standards:

- -The Advisory Committee on Information Management in Public Administration (JUHTA, Ministry of the Interior).
- Finnish Information Society Development Centre (TIEKE).
- Finnish Federation of the Visually Impaired (FFVI)

Finnish Design for All Network promotes accessibility of built environments, accessibility of communication and services, as well as usability of products. The DfA web portal includes knowledge, studies, tools and links to various areas of the accessibility.

### 2. Legal capacity

Disability does not automatically lead to restriction of legal capacity. However, if an adult is unable to take care of his/her financial affairs and his/her property, livelihood or other important interests are thereby endangered, a court may restrict his/her competency by ordering that:

- (1) he/she may enter into given transactions or administer given property only in conjunction with a representative (guardian);
- (2) he/she is not competent to enter into given transactions or to administer given property; or
- (3) he/she is declared incompetent.

However, the above measures are possible only if the appointment of a guardian is not alone sufficient to safeguard the person's interests. Furthermore, no-one shall be declared incompetent if the other options available are sufficient to safeguard his/her interests. The competency of a person shall not otherwise be restricted more than what is necessary for the safeguarding of his/her interests.

The guardian will manage the financial and other affairs of an incompetent person. A guardian may also be appointed also to a person who is not incompetent but needs support in managing his/her affairs.

An incompetent person cannot self administer his/her property or enter into contracts or other transactions, unless otherwise provided. However, a person who has been declared incompetent may self decide on matters pertaining to his/her person, if he/she understands the significance of the matter.

An incompetent person may enter into transactions which, in view of the circumstances, are usual and of little significance. An incompetent person has the right to decide on the proceeds of his/her own work earned during the incompetency, as well as on property given to his/her administration by the guardian. A transaction beyond the competency of the incompetent person is not binding on him/her, unless the guardian has consented to the same.

For further information, see the unofficial translation of the Guardianship Services Act (442/1999) on <a href="http://www.finlex.fi/en/laki/kaannokset/1999/en19990442.pdf">http://www.finlex.fi/en/laki/kaannokset/1999/en19990442.pdf</a> Due to its flexibility the legislation has been widely accepted.

Furthermore, there are various measures taken to provide for access for persons with disabilities to the support they may require in exercising their legal capacity.

According to the Act on Services and Assistance for the Disabled (380/1987) municipalities are obliged to arrange individual services and support to persons with disabilities. Main services are personal assistance, day activities, transport services including escort services, interpretation services, service housing, housing alterations, housing equipment, rehabilitation counselling, adaptation training and financial assistance. Severely disabled persons have a subjective right to personal assistance (from 1.9.2009), day activities, transport services, interpretation services, service housing, housing alterations and housing equipment as outlined in the decree.

The guardian usually helps the person with restricted legal capacity in using his / her rights and managing his/her affairs. Public guardianship is organised by the local legal aid offices, which also provide help in other legal matters. Training for professional guardians is provided

### 3. Access to justice

In the Prison Service the starting point is that individual needs and risks are evaluated at the beginning of the sentence and based on them a sentence plan is made for every prisoner. The possibilities of a prisoner to participate in all kind of activities are restricted because of the lack of resources but the Prison Service tries to somehow take into account the needs of disabled prisoners. E.g. prisoners with physical disabilities may participate in comprehensive school and IT-training but not always in vocational training.

The needs of disabled prisoners have been taken care of on national level but not in every prison. That means that in some prisons there are lifts and special rooms where disabled prisoners can use their wheelchair. In the prison hospital, it is also possible to use wheelchairs.

If needed it is possible for deaf people and those with hearing impairments to get a sign language interpreter in situations where interpretation is really important.

#### 4. Independent living

In Finland accurate statistics are regularly collected from municipalities on social and health services. In the end of December 2007, the situation was the following:

- Institutions of people with intellectual disabilities: 2220 clients, of which 2089 long-term

- Group housing services for people with disabilities: 5 699 with staff available at night (5371 in 2006); 2588 with no staff available at night (2362 in 2006). More information (also in English) is available at the following link: <a href="http://uusi.sotkanet.fi/portal/page/portal/etusivu">http://uusi.sotkanet.fi/portal/page/portal/etusivu</a>.

The deinstitutionalisation process for persons with intellectual disabilities has been under way for many years already. Different provinces have made their own deinstitutionalisation strategies and the Ministry has commissioned a follow up report in 2008 on the deinstitutionalisation process in the west and middle part of Finland. See the enclosed link for the report, including an English summary:

http://www.stm.fi/Resource.phx/publishing/store/2008/07/hm1215505751259/passthru.pdf

The Ministry appointed from 2006 to 2007 a rapporteur ad int. with the task to make recommendations on developing housing and supportive services for persons with intellectual disabilities and propose measures to shift from institutional care to community based services. The report, which includes a summary in English, can be found at this link: <a href="http://www.stm.fi/Resource.phx/publishing/documents/13985/summary\_en.htx">http://www.stm.fi/Resource.phx/publishing/documents/13985/summary\_en.htx</a>. The main finding is that 600 flats would be needed per year in the coming five years in order to respond to new housing needs as well as replace institutional care. Of these, 300-400 flats are needed to replace existing institutions.

The Act on support for informal care came into force in 2006. Support for informal care is a statutory social service. The municipality is responsible for arranging the support to informal carers. Support for informal care encompasses necessary services for the client, a compensation for the informal carer as well as leave and support services for the carer. More info from the handbook, including a summary in English at: http://www.stm.fi/Resource.phx/publishing/store/2006/02/hl1139404401530/passthru.pdf

The Parliament has adopted the amendments of the **Act on Services and Assistance for the Disabled** in 2008. The amended legislation will enter into force in September 2009. The amendment concerns personal assistance for people with severe disabilities. Municipalities are obliged to arrange the services in accordance with the renewed legislation. More info at:

http://www.stm.fi/Resource.phx/publishing/documents/16598/index.htx.

As regards the main initiatives on measuring the quality of services and the impact on the quality of life, see e.g. the quality framework on national framework for high-quality services for older persons 2008, which includes persons with a cognitive impairment (dementia) at <a href="http://www.stm.fi/Resource.phx/publishing/documents/15164/index.htx">http://www.stm.fi/Resource.phx/publishing/documents/15164/index.htx</a>.

High-quality services are provided by implementing high-quality legislation, supervising the services, financing development projects, issuing national quality frameworks, training personnel and giving guidance both to municipalities and users.

Concerning actions at EU level, it is mainly suggested to promote sharing of good practices, e.g. through conferences, peer reviews and meetings.

### 5. Voting rights

In order to guarantee to persons with disabilities the full enjoyment of their political rights, the Finnish Election Act (No. 714 of 1998) provides for special arrangements for persons with disabilities among other individuals who are unable to attend the vote on the Election Day. The Election Act foresees in Section 46, subsection 2, a right to vote in advance for a person who is in hospital, in a facility with round-the-clock treatment or in any other operational unit of social services designated by the municipal executive board as an advance polling station. The vote takes place in the facility. In addition, according to subsection 3 of the same, a person whose ability to move or function is limited to a degree that he or she is unable to be present either at the polling station on the Election Day or at an advance polling station without undue hardship, he or she may vote in advance at his or her home in the municipality of residence in which he or she is registered to vote. The entitled person shall notify the election authorities in advance following a procedure regulated in the Section 55 of the said Act.

The Section 190 of the Election Act provides for transportation services for disabled persons who wish to vote at the polling station. The Election Act refers to the Law governing the organisation of services and supporting functions for the disabled (No. 380 of 1987) which is applicable to the transportation services for the purpose of voting. Personal assistance may also be provided.

In addition to the above regulations in the Election Act, the written notes for the conduct of elections provided to the election authorities on various aspects of the election process include advice on best practices in ensuring that the voting procedures, facilities and materials are appropriate, accessible and easy to use. The notes include advice on building slopes for wheelchairs, providing special booths with lower tables, purchasing of materials, parking lots for persons disabilities etc.

There are no special arrangements in addition to the above foreseen for the 2009 elections to the European Parliament.

#### 6. Monitoring mechanism

Finland has signed both the UN Convention and its Optional Protocol on 30 March 2007. It has not yet ratified them. However, legislative amendments necessitated by the ratification are being prepared.

A mechanism pursuant to Article 33.2 of the UN Convention has not yet been nominated. However, in the context of nominating/establishing a mechanism referred to in Article 33.2 of the UN Convention, particular attention should be paid to the need to ensure that civil society, in particular persons with disabilities and their respective organisations are included in the monitoring work of the mechanism.

The Finnish Government encourages NGOs to actively participate in the human rights reporting to the international organisations. When a periodic report is prepared, NGOs are asked to provide their views on the information to be included in the report. At the drafting stage of the report, the representatives of interested NGOs are invited to attend a discussion on the draft report before its finalisation. NGOs are also encouraged to participate in the so called "shadow reporting", i.e. to send parallel reports to the human rights treaty monitoring bodies.

No particular formats for the reporting to the UN have yet been envisaged. However, Finland has well-established procedures for reporting on the implementation of other UN and international human rights conventions. The Finnish Government aims in its reporting at accuracy, transparency and compliance with the said time frames.

# 7. Empowerment of people with disabilities

The organisations of persons with disabilities<sup>11</sup> have actively participated in international processes related to the human rights of persons with disabilities, in particular in relation to the drafting of the UN Convention. Organisations of persons with disabilities and the National Council on Disability have also been consulted on the legislative amendments necessitated by the ratification of the UN Convention as well on the unofficial Finnish translation of the Convention.

The organisations of persons with disabilities and the National Council on Disability are also consulted in relation to the overall human rights policy of Finland, which includes a focus on the rights of persons with disabilities.

Furthermore, the following tools and methods are used in Finland to foster empowerment of people with disabilities:

- Dialogue (working groups, councils, written statements),
- Financing the activities of non-governmental organisations through the Slot Machine Association. More info on: <a href="http://www.ray.fi/inenglish/index.php">http://www.ray.fi/inenglish/index.php</a>,
- Training of targets groups (VANE, disability organisations),

In connection with awareness-arising, organisations of persons with disabilities have been notified in various contexts of the legislative amendments necessitated by the ratification of convention.

The ratified UN Convention and its Optional Protocol will be published in the Treaty Series of the Statute Book of Finland. The UN Convention and its Optional Protocol will also be published on the webpage of the Ministry for Foreign Affairs.

The Ministry of Social Affairs and Health is currently preparing a specific Government Disability Policy Programme in order to guarantee the equality for persons with disabilities. The objective of the work on the programme is to create a strong foundation for the human rights, non-discrimination, equality and inclusion. The work is based on the first national Report on Disability Policy given by the Government to Parliament in 2006 and the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol. The programme will be prepared in cooperation between the different administrative sectors and expert bodies. The work started in September 2008 and will be completed in March 2010.

**Municipal Councils on Disability -** There are about 170 Disability Councils at local level. They function as cooperative bodies for municipal decision makers, different municipal sectors and persons with disabilities and their organizations.

**The Finnish Disability Forum**. It comprises of 27 associations of and for disabled persons. More info in Finnish at <a href="http://www.vammaisfoorumi.fi">http://www.vammaisfoorumi.fi</a> Disability organizations are always involved when legislation concerning persons with disabilities is being prepared. Organizations also take part in working groups preparing programs and measures at national, regional and local level.

The National Council on Disability (VANE) is a co-operative organ for authorities, disability organisations and organisations for relatives of disabled people. It has 18 members. More info in English at <a href="http://www.vane.to/english.html">http://www.vane.to/english.html</a>

#### **France**

### 1. Accessibility

In France, there is a law concerning accessibility. This involves the law of 11 February 2005 which states in particular objectives as regards accessibility of the built framework, transport and of the roadway system, of the cultural property and to sport, and to information and communication technology.

It in accordance with the provisions of Article 9 of the Convention of the United Nations relating to accessibility.

#### The built framework

Article 41 of the law of 11 February 2005 "for the equal rights and chance, the participation and disabled persons' citizenship" fixes a general principle of accessibility at the built framework the field of which is largely defined: it is necessary on the dwelling buildings (except for the work completed by the owners for their own use), on the establishments receiving from the public (ERP), on the facilities open to the public (IOP) and at works.

This principle results in individual obligations:

- Accessibility obligation as from construction or the adjustment of all buildings, spaces or public transport;
- an accessibility obligation, at the latest ten years after the publication of the law (2015), for all the ERP existing;
- accessibility rules specific to the ERP and to the new and existing houses;
- taking into account of accessibility for any type of disability, in particular driving, visual, auditive, mental, cognitive and psychic;
- A realization time-table laid down according to the nature of work between 2007 and 2015.

A system of **control** of the compliance with the rules is ensured and their **non-application is penalized by sanctions**: the ignorance of the obligations imposed as regards accessibility has a fine which can incurred go as far as  $45,000 \in$ , carried with  $75,000 \in$  and 6 months of imprisonment in the event of repetition.

Anticipating the difficulties for the owners and owners, the law provided for, in its Article 41, the obligatory integration of training to accessibility in the architects' initial training and professionals of the built framework.

#### Transport and the roadway system

Article 45 of the law of 11 February 2005 is devoted to the accessibility of the chain of displacement. The ambition of the law resides in the principle of "access to all, for all", the implementation of which is made possible by the broad definition of the field of the chain of displacement (built framework, roadway system, adjustments of public spaces, transport and intermodality systems) and of the aim of accessibility of all the public services of spread out, public transport over a ten-year period after the publication of the law.

The setting in accessibility of transport and of the roadway system rests on new tools of planning and of programming created by the law:

- the organizing authorities of transport (AOT) have to define an accessibility master plan of the services for which they have the responsibility within three years following the publication of the law. This obligation is necessary on the various AOT: organizing authorities of urban public transport (AOTU), trade union of the transport of Island-of-France (STIF), authorities responsible for the organization of departmental and regional transport, and in the State concerning in particular the rail services of national interest.
- **for each commune**, a plan of setting **in accessibility of the roadway system and** of the adjustments of public spaces has to be envisaged, integrated into the urban displacement plan when there exists, laying down provisions likely to make accessible to disabled persons and to reduced mobility the pedestrian motor movement and surfaces.

# Accessibility to the cultural property and to sport.

The accessibility of the cultural property is the subject of **co-operation** and of a **follow-up** under the **national Commission Culture-Disability**.

The promotion of the transcription of the cultural property for disabled persons is facilitated by the exception **to the royalties**; moreover, the law establishes the obligation for the editors to deposit, at the request of the competent transcriber organisms, the numerical files having been used for the publishing of the printed work, in order to facilitate the transcription and the consultation of them by persons affected of a disability.

The State encouraged the **development of the sporting practices** accessible to disabled persons. The policy of accessibility of the sporting activities to disabled persons aims to make it possible for any person in situation of disability to practice one or more physical and sporting activities adapted both for the purpose of rehabilitation and for the purpose of social and professional integration, in leisure logic like a competition.

#### Accessibility to information and communication technology.

Article 47 of the law of 11 February 2005 made compulsory the accessibility of the online public communications. The objective is to improve access to the ICT to persons in situation of disability; the methods of the implementation are specified by a decree, currently pending of signature. This decree defines the obligations to which are the Internet public sites of the State and of the local authorities and the means of sanctions in the event of non-observance subject. The existing public sites will have a two-year deadline to comply with these accessibility standards. A reference frame, worked out on the basis of the international accessibility standards, applies to the various types of disabilities and to the various technologies implemented by the on-line public communication services, in particular the Internet, the telephone and television. This reference frame will regularly be updated to take account of the development of the international standards.

The subtitling obligation also is an important achievement of the law of 11 February 2005: between now and 2010, all the large chains, the annual average audience of which exceeds 2.5% of the total television service audience, will have to subtitle a substantial part of their programmes on times of major listening. Three years after its vote, results are already there: the majority of the large chains exceed the mark of 50% of the subtitled programmes. Progress is also qualitative: deaf persons have now the choice between a wide variety of programmes and of chains. In addition, the activation of the subtitling of all the televisions set emitting in a public place is made compulsory.

The Government also committed itself to promoting **the accessibility of the telephone** to the hearing-impaired, which constitutes a major integration in the company and insertion element towards employment. **Regarding the mobile telephone**, a charter signed since 2005 between

the operators and the State allowed the effective implementation of service accessibility and of the appliances to the various types of disabilities.

The decree concerning the reception and the orientation of the emergency calls of auditive defective persons of 16 April 2008 aims to allow the accessibility of the emergency calls, which has for a long time been required by the associations' representative of deaf hearing-impaired persons and of their families. The decree envisages the adoption of a national centre of accessible relay from a single and free telephone number, permanently, allowing the accessibility of the communication of the deaf user or hearing-impaired person to an emergency number (15,.17,.18 or 112) by transferring it towards the qualified local call centre urgently, while resting on the setting at the disposal of the appealing user of the adapted communication mechanism declined in the law: written transcription, interpretation in the French language of the signs, coding in supplemented spoken language. Its integral implementation is scheduled at the latest for 1 January 2010.

Moreover, among the projections one can note access to telephony via the adoption of telephone relay centres general practitioners ensuring the simultaneous translation into written French and into sign language. A steering committee is currently instructed to establish specifications of experimenting, then to organize a call for tenders for the launching of a first relay centre in 2009. Experimenting will start to function on the basis of a preset volume of calls. It will make it possible to evaluate the target-volume of dealt with communications, to define the access modes and the time cover of these services, and to envisage the types of financing of this service.

Lastly, the Government committed itself to developing the audio description to make the visual media accessible to blind persons or persons with impaired vision, to the need by imposing obligations on the diffusers. A report, provided for by the law of 11 February 2005 presents, for the attention of Parliament "the means making it possible to develop the audio description of the programmes televised at the level of production and of the distribution, and a plan of implementation of these recommendations". This report, drawn up by the ministry of Culture and of the Communication is the subject currently of a public consultation with persons' visual disabled associations and with the professionals of the audio-visual and cinematographic sector. A charter of the audio description between the professionals of the audio description, the media and the State was signed on 10 December 2008.

The development of the audio description will also concern the cinema. The national centre of the cinema (CNC) will be requested in 2009 in order to adopt measures for the development of the upstream audio description and downstream from the distribution of the work, i.e. at the level of production and of distribution, in particular via the equipment of the cinemas. In order to encourage the audio description as from the production of the work, it will be able to become one of the attribution criteria of the subsidies of the CNC. The question of the transferability of the duties of the audio description of the work about the DVD will also have to be tackled.

Measures could also be proposed on the basis of the report submitted by the general Council of information technology to the Minister for Economy, of Industry and of Employment in June 2008: Issues of the ICT for aid for the autonomy of the patients and of the citizens in situation of disability or of fragility in their places of life.

The accessibility of persons affected of a visual disability will also be promoted by measures on consumption in particular with a view to having generalized Braille labeling in and harmonized and in characters increased for the current products for human consumption.

Standardization and certification steps to guarantee the quality of the accessibility solutions were also implemented in France.

In order to increase the quality of the accessibility solutions, the building owners and the project superintendents are prompted to fall under a certification EC step or ISO at the time of the setting in accessibility. The same is true for the companies which design, manufacture or market accessibility tools.

It is of primary importance that equipment and installations as regards accessibility of the transport services are produced under conditions which facilitate the location and disabled persons' information and with reduced mobility and the setting in accessibility of the transport services. For that purpose, it is advisable to promote the current standardization steps (vigilance, sound fire arousal band...) and to put in work news of it such as the standardization of the marginal strips.

It is the reason for which the plan on visual Disability envisages the adoption of a partnership with the industrialists who commit themselves to standardizing urban equipment specific to the visual disability with **AFNOR standards intended for the movement of blind persons and persons with impaired vision**. In association with the local authorities, an AFNOR Working Party on good practices for the "station/squares" accessibility chain and cooperation on the creation of shared areas proposed under the new code of the street will be set up at the beginning of 2009. A document of good "station/squares" practices should moreover be published at the end of 2009.

In addition, the implementation of the accessibility of persons affected of a visual disability in the field of **consumption** will be facilitated by standardization work:

- with a view to having generalized Braille labeling in and harmonized and characters increased for the current products for human consumption: a standardization project will be drawn up within the French standardization Commission, and will be the subject of an examination to the European Committee for Standardization to establish by consensus a European standard of Braille labeling in and increased characters. It is possible to publish this project in the form of an experimental standard AFNOR in anticipation of the creation of a European standard. The European Working Party on Community regulation on the labels of the foodstuffs should also incorporate the subject of visual defective persons' autonomy in their daily life.
- with a view to developing the vocalization of the daily appliances: currently, vocalization is the subject only of recommendations on the part of the European Committee for Standardization. The Government wishes standardization to make it possible to develop vocalization; AFNOR has to relay this objective at the European Committee for Standardization's level. Under the French Presidency of the Council of the European Union, a feasibility study was worked out from the consultation of the European partners of France, on the various technology levels available in Europe. Companies will be urged better to diffuse finally the existing vocalized products available (charter of the professionals of the electric household appliances on the model of the charter of the professionals of mobile telephony).
  - 2. Lastly, disabled persons' access to **leisure** also is the subject of actions. Individual access to the holidays for disabled persons supposes the existence of tourist equipment accessible to the various forms of disability. The creation of the Tourism label "and disability" in 2001 aimed to improve disabled persons' information on the existence of these sites and to encourage the development of an adapted tourism facility. **Legal capacity**

The legal system of the French Republic is based, in particular, on the principle of the citizens' equality. Accordingly, the disability cannot constitute in itself a cause of reduction in legal capacity. It remains however, that the disabled person, when it has no possibility to provide alone for its interests due to deterioration, medically noted, either of its mental

faculties, or of its bodily faculties likely to prevent the expression of its will, can benefit from a legal protective measure which can achieve a more or less wide restriction of its legal capacity.

In this connection, the law of 5 March 2007, entered into force on 1 January 2009, on reform of the majors' legal protection had for ambition to reaffirm the principles of need, of subsidiarity and of proportionality in the organization of legal protection and to put the person back in the centre of the protection arrangements.

If the law stipulates that when the mental or bodily faculties of a person are altered by a disease, weakening due to the age or an infirmity which prevents the expression of the will, it is provided for the interests of the person by the setting up in its favor of a protection arrangement, this arrangement being framed very rigorously by this new text.

Firstly, the protective measures are taken only if they prove necessary, they will be possible only if the deterioration of faculties is noted by a detailed medical certificate; they have to be subsidiary, i.e. the judge can pronounce them only when less binding legal mechanisms cannot be implemented; they have also to be proportional, i.e. adapted to each individual case.

The protective measure can be ordered only after hearing by the person's judge concerned, it who can be assisted by a lawyer. The measures taken are the subject of a revision every 5 years.

These measures are the responsibility of the judge of the protections informed of a request emanating from the family or from the public prosecutor, accompanied imperatively by a precise medical certificate, detailed. The adjustments of the legal capacity of persons concerned can be more or less important. Various arrangements coexist: the justice safeguard, trusteeship and the protection. Only the latter supposes the person's systematic representation under protection, being observed that this representation is not however absolute. Indeed, the law, the judge or the board of guardians can authorize the interested party to act alone or to be assisted in certain cases. Moreover, as regards personal acts, the judge must specify expressly in the judgment pronouncing the protection measure that the person has to be represented at the time of the achievement of these acts, because in the absence of precision, it is presumed, even under protection, to take only the decisions concerning its person.

The decisions as regards health and housing are taken by the person concerned (to the extent of its abilities), the tutor having on these subjects only a role of information and of aid. Moreover, regular reports of the acts carried out on behalf of the person under protection are obligatory.

New mechanisms are envisaged by this new law text, in particular the creation of a future protection mandate which provides the opportunity of envisaging the methods of its possible future protection while designating beforehand which will be been responsible for taking care on its interests and its person where necessary.

This text was the subject of a wide-ranging consultation with the associations representing disabled persons, in particular those dealing with the mental disabilities, who wished to see taking with sufficient flexibility the degree capacity and the variation into account of the existing situations.

Moreover, protected persons' right is strengthened, the person is obligatorily heard at the time of the procedure of setting under protection. The capacities of the person have to be revised

every 5 years. Persons will be guaranteed the respect of a number of rights by the professionals such as information and the participation in the operation of the structure.

Moreover, the law of 5 March 2007 sets up social supporting measures and budgetary personalized, this will concern any person who receives social security benefits and whose health or safety is threatened due to its difficulties of ensuring only the management of its resources. This measure will enter into force as from the conclusion of a contract between the benefiting person and the department. This convention will comprise actions for the social integration tending to restore the conditions of autonomous management of the social security benefits.

Moreover, the law of 5 March 2007 sets up for the tutors and curators external to the family common and obligatory training and a delegation of powers procedure, evaluation and control. These mechanisms are set up gradually to be completely effective at the end of 2010.

# 3 Access to justice

Access to justice forms part of the recognized fundamental rights to each citizen, only the obstacles falling within the area of accessibility can constitute a limitation the exercise from this right.

In order to apply Article 13 of the Convention of the United Nations stipulating that Part states have to ensure the effective access of disabled persons to justice, the law of 11 February 2005 for the equal rights and chance, the participation and disabled persons' citizenship apply as regards accessibility with all the structures which fall within the competence of the ministry of Justice. The result is a strict accessibility obligation for the new buildings receiving from the public, and the existing establishments will have to be arranged at the latest in 2015, the improvement of accessibility was the subject of multi-annual programming within this ministry.

The Keeper of the Seals detailed on 21 November the three-year plan of action 2008-2010 of its ministry for disabled persons. Mrs. Dati stressed the need for Justice to be exemplary as regards accessibility and adaptation to disabled persons, this in particular within the framework of the reform of the legal card for which she wishes the question of the disability to have priority.

At the level of the programming of the penitentiary cells, the law of 9 September 2002 envisaging the construction of 13,200 prison places, the installation of a cell for the reception of a disabled person by tranche of construction of 150 cells has, in addition, to allow. Similar provisions are envisaged within the framework of the establishments' modernizations.

The respect of the dignity of persons in prison will be one of the objectives of the penitentiary draft law being developed. With regard to the assumption of responsibility of persons suffering from deterioration of their mental faculties, their detention has to be ensured under conditions worthy, with a treatment and a medical follow-up proposed systematically.

The situation of disabled persons also justifies that a reception, listening and an individual accompaniment are organized for the victims, it is the reason for which the network from the associations of aid to the victims especially is mobilized on these persons, in particular to provide psychological aid.

Jurisdictions have to define simple and concrete measures allowing persons suffering from a disability from making themselves known in order for their arrival to be prepared and that they benefit from a so necessary accompaniment.

To this end, the French authorities, fully sensitive to this question wished to adopt a specific provision in the code of civil procedure. Thus, does the decree n°204-836 of 20 August 2004 have introduces Article 23-1 which lays out: "If one of the parts is affected by deafness, the judge designates to assist it, by non likely prescription of recourse, an interpreter in language of the signs or in supplemented spoken language, or any qualified person controlling a language or a method making it possible to communicate with the deaf. The judge can also resort to any technical mechanism making it possible to communicate with this part. However, previous subparagraph is not applicable if the affected part by deafness appears assisted by a person of her choice in a position to ensure the communication with it. "Persons affected of deafness benefit automatically from the services of an interpreter without in bearing the expenses, which remain the responsibility of the State.

The policy of the disability in the ministry of Justice passes through training in the very varied contents, with specific characters for each public. Indeed, in the magistrates' training is included a module of information and of awareness-raising on the disability. Moreover, the "disability" regional correspondents, the welfare officers, the prison directors, the heads of department of the PJJ (the Youth's legal protection) followed a scientific and technical training given by the university Paris V.

# 4 Independent living-room

# Some key figures on the accompaniment and disabled persons' reception.

Quantifying the population affected of a disability does not give rise to a single answer, because the nature, the origin and the gravity of the attacks can be diverse. One can apprehend the disability under multiple facets: the incapacity to achieve certain simple acts of daily life, the need to resort to human or technical aid, the limitations met in certain activities, the profit administrative recognition, access to a benefit are as many possible indicators, which necessarily do not overlap and delimit therefore different people.

If the criterion of administrative recognition is retained, the last exhaustive figures resulting from the population census of 1999, show that 8% of persons living at home (4.8 million) stated to benefit from administrative recognition of their disability and 4% (2.4 million) of an allocation, pension or of another income due to health problems.

Concerning disabled persons welcomed or accompanied in establishments and medical-social work departments, the last exhaustive figures resulting from the ES.2006 survey carried out by the Directorate of Research, of the Evaluation, of the Studies and of Statistics give the following figures:

Establishments for disabled children and adolescents:

	Number	of Seating capacity	y
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	structures	
Special education and home care services (SESSAD)	1,300	33,836
Medico-educational institutes (EMI)	1,223	69,879
Specialized kindergartens	6	133
Therapeutic, educational and teaching institutes (ITEP)	362	14,962
Establishments for multi-handicapped children or adolescents	189	5,030
Centres médico-psycho-pédagogique (CMPP)	450	-
Early medico-social aid centers (CAMSP)	273	-
Establishments for defective driving	131	7,352
Institutes for defective visual	36	1,987
Establishments for defective auditive	87	5,526
Sensorial education institutes for children deaf/blind	11	896
Experimental establishments for disabled childhood	27	593
Establishments of disabled children's temporary reception	8	284

Establishments and services for disabled adults:

	Number of structures	Seating capacity
Preorientation centers for disabled adults	28	656
Establishments and aid services by work (ESAT)	1,443	107,985
Vocational retraining centers (crp)	92	9,833
Accommodation hearths for disabled adults	1,204	38,526
Multi-purpose reception hearths for disabled adults	99	4,151

Specialized reception houses (MAS)	484	19,622
Experimental establishments for disabled adults	155	3,994
Occupational hearths or life hearths for disabled adults	1,407	42,944
Establishments of disabled adults' temporary reception	10	182
Medicalised reception hearths (FAM)	465	13,622
Services of accompaniment to social life (SAVS) and medico-social accompaniment services for disabled adults (SAMSAH)		27,123

A range of answers diversified through the right to compensation<sup>12</sup>. A personalized approach.

The law of 11 February 2005 introduced a new approach, which is based on the "life project» **concept**, a confidential document in which the disabled person describes herself freely.

From the life project, an **assessment of the needs** of the person is carried out by a **multi-field team** of a departmental Handicapped person Person House<sup>13</sup>, made up of professionals to the different and complementary competences: doctors, ergo therapists, psychologists, but also professional of social work, of the school reception or of the vocational integration. Its **composition varies according to nature needs or of the disability** of the person concerned. A special importance is given to the **personalization of the needs and of the answers** and to the multi-field approach, which is particularly relevant for the people suffering from not yet known disabilities with weak prevalence sometimes misunderstood and or when persons concerned with complex disabilities does not have the possibility of being expressed or to communicate.

After this evaluation, the multi-field team built, in consideration with the needs described in the life project, a "personalized compensation plan" drawing up proposals in response to needs which can be diverse: individual aid, accommodation, adapted housing...

# Implementation of the right to the compensation.

<sup>&</sup>lt;sup>12</sup>These elements come essentially from the report from the Government to the Parliament relating to the assessment and to the guidelines of the policy of the disability, February 2009.

<sup>&</sup>lt;sup>13</sup>MDPH, created by the law of 2005, have vocation to constitute the departmental one-stop shopping in the disabled person's service.

To implement this right to the compensation, a new benefit was created (replacing the previous mechanisms), the **benefit of compensation for the disability** (PCH), for persons having an absolute difficulty in the carrying out of an essential activity of daily life or a serious difficulty for at least two activities. This benefit includes **aid of various natures**, given according to requirements and to the project of the person's disabled life:

- human aid for the realization of the essential acts of daily life, the supervision regular and the participation in life social, including, if necessary, those brought by the helping family;
- technical aid for adapted equipment, and in particular the expenses left the responsibility of the person insured after assumption of responsibility by the sickness insurance;
- dwelling facilities and the vehicle and of the possible additional costs of, transport;
- specific or exceptional aid, in particular relating to the acquisition or maintenance of products related to the disability;
- attribution and maintenance of animalist aid.

# The development of tender in establishment and services, another facet of the right to compensation.

The compensation constitutes an additional means in relation to the accessibility measures, intended **to allow in theory life in an ordinary middle**. For all that, when the situation of persons' disability does not allow their autonomous life in an ordinary middle, the compensation can take the form of a reception in establishment and specialized service, possibly integrated within the framework of **flexible courses** between residence and establishment.

The establishments and medical-social work departments for disabled persons are:

- the early medico-social action centers (CAMSP),
- the médico-psycho-pédagogiques centres (CMPP),
- the special education and home care services (SESSAD),
- the medico-educational institutes (EMI).
- the therapeutic, educational and teaching institutes (ITEP),
- the medicalised reception hearths (FAM), the specialized reception houses (MAS),
- the establishments and aid services by work (ESAT)
- the medico-social accompaniment services for disabled adult persons (SAMSAH).

The law of 11 February 2005 was therefore accompanied by an effort of creation of places, carried out under a three-year plan 2005-2007 (21,900 places over this period).

This increase in place tender in establishments and services for disabled persons has to be articulated, in the spirit of the laws of 2002 and of 2005<sup>14</sup>, with the **search for strong individualization of the answers** in relation to the life projects and in relation to the personalized compensation plans which result from this, and with constant improvement concern from the service rendered to the users. It is indeed **one of the major issues of these next years** to make it possible for disabled persons not only to be able to reach a service or a medico-social establishment when they expressed the request of it, but more especially to be able to benefit from methods of accompaniment of quality and corresponding to their life project.

<sup>&</sup>lt;sup>14</sup>Law of 2 January 2002 renewing the social and medico-social action and that of 11 February 2005, previously quoted

# The quality of tender of services contributing to the compensation.

To secure oneself of the quality of this service tender, the national case of solidarity for autonomy (CNSA) registered its action in three partnerships:

- with the general advice, in order to ensure the consistency of the financed actions;
- with the federations of associations or of services of aid at home which submitted modernization programmes of the structures of their networks, giving rise to agreement between doctors and State organizations;
- with the Directorate-General for the social Action and four approved collecting joint bodies (OPCA) intervening in the medico-social sector: these partnerships, concluded in 2005 and extended until 2009 waiting for the generalization of the guidelines of the "Plan on Trades" proposed by the Government in 2008, envisage course co financing of training for qualifications of personnel of establishments and medical-social work departments for the acquisition of one of the following diplomas: nursing auxiliary, medico-psychological aid, educational monitor, specialized teacher.

The setting up in April 2007 of the national **Agency of social and medico-social evaluation** (**ANESMS**) has also to contribute to the improvement of the quality of service tender, thanks to three types of actions:

- the development and the distribution of a frame of reference (reference frames, procedures, and recommendations of good practices), for improvement and of the internal evaluation of the practices of the establishments. Under its work programme for 2008, the Agency worked on 15 professional practice recommendations, including 7 transversals (definition of the concept of bientraitance, role of the framework in prevention and the treatment of the maltraitance, prevention of the maltraitance at home, continuing training of the personnel, conciliation between personalization of the assumption of responsibility and life in community, life project, opening of the establishment on its environment) and two specific to disabled persons (dealt with of autistic persons, special education and home care services);
- the authorization of organizations of external evaluation of the establishments: after census of the organisms likely to be nominated in 2007, the Agency carried out authorizations in 2008;
- a prospective action: studies, definition of the principles of external and internal evaluation, evaluation of the experiments. The Agency was in particular requested by the CNSA to take part in the evaluation of three experimental resource centers in the field of the rare disability.

# 5 Voting rights

In order to guarantee the full enjoyment of the right to persons' vote in situation of disability article L. 62-2 of the electoral code, created by the law of 11 February 2005, states that "the offices and the techniques of vote have to be accessible to disabled persons, whatever the type of disability, in particular physical, sensorial, mental or psychic, under conditions laid down by decree". In addition, article L. 57-1 subparagraph 4 of the aforementioned code concerning the machines to be voted stipulates that these have "to enable the disabled voters to vote in an autonomous way, whatever the disability". Article L. 64 of the same code allows, finally, the voters "affected of an infirmity unquestionable" to have itself attended by another voter of their choice the moment of the achievement vote formalities, including for the affixing of the signature on the list of trimming.

The television networks were invited to make available all their programmes dealing with the elections. The higher council of the audiovisual sector (csa) sent a recommendation on 7 November 2006 in order that chains take care to encourage access, by subtitling and/or language of the signs, to the principal programmes devoted to electoral timeliness. A recommendation also aimed at subtitling and the translation of the communications distributed by the candidates.

Recommendations for the attention of the candidates were also made within the framework of a memorandum, at the same time on the accessibility of the public meetings and on the communication supports.

To guarantee to disabled persons the enjoyment of their right to vote to the approach of the next elections of the European Parliament, the Government wished to install machines to be voted having a helmet plug in order for blind persons in any discretion to know the procedure. An instruction in this direction will be addressed to the prefects on the occasion of the next elections. This measure himself is under the plan on visual Disability 2008-2011 which aims to facilitate the exercise of citizenship to disabled persons and their relations with the administration.

# 6 Monitoring mechanism

Article 33.2 of the Convention of the United Nations specifies that Part states have to designate a mechanism of promotion, of protection and of monitoring of the application of this Convention. The creation of such a mechanism in France could be envisaged only once the working site of general Revision of the public Policies (RGPP) concluded.

Indeed the French Government undertook a remission flat of all the missions of the State in order to strengthen its cohesion while clarifying the role and the position of a number of missions.

This exercise of revision aims to identify the reforms which will make it possible to reduce the national expenditure, while improving the effectiveness of it of the public policies. All the sectors of the public policies are concerned both at national and territorial level.

Article 35 of the Convention of the United Nations specifies that Part states commit themselves to submitting reports a Committee via the Secretary-General for the United Nations. Reflection on the format of these reports is currently carried out within the administrations concerned in cooperation with the Ministry for Foreign Affairs in relation to the mechanism of Article 5 of the proposal for a Council Decision on the conclusion, by the European Community, of the Convention of the United Nations concerning disabled persons' rights: "The Commission is entitled to fix the modus operandi for this mechanism of establishment of reports".

In accordance with Article 31 of the Convention of the United Nations, France has to set up a statistical mechanism intended to follow the implementation of the Convention. For the moment, there is not yet this type of mechanism. However numerous tools of collection of information intended to know better persons' people disabled at the national level could be used to this end. One can quote, for example, the survey on the disabilities, incapacities and the dependence (HID), which aims to cover all persons (residing or looked after in institution or live in ordinary residence). A new version of this HID survey started in April 2008, to 40,000 people. Numerous statistics are also available in the field of the access to

employment. At the same time, numerous Community coordination exercises (employment, fight against exclusion, social welfare...) have in their mechanisms indicators relating to the disability which could meet this need for follow-up.

In France, civil society takes part in the monitoring of the ratification of the Convention of the United Nations. Thus the CNCPH, consultation organization evoked as in point 7 of this questionnaire, frequently has on the agenda of its meetings the development of this ratification. Moreover, it refers in its mission of advisory organization to the mechanism of this Convention whenever of need. In addition, this organism is so systematically evoked in the meetings of the interministerial and inter-associative group "European and international concerns" that the interministerial Delegation to Handicapped person Persons organizes and manages (DIPH).

#### 7 Empowerment of people with disabilities.

Co-operation with disabled persons is ensured by the Advisory national Board of disabled persons (CNCPH).

The law of 17 January 2002 had created the CNCPH to ensure the participation of disabled persons in the development and in the implementation of the policies concerning them (article L. 146-1 of the CASF). The CNCPH associates the public authorities and civil society: persons' disabled and families, administrative bodies, bodies financing social welfare of disabled persons or taking research projects, trade-union organizations of employees, professional organizations of employers, the local authorities' representatives associations.

The participation and the citizenship of disabled persons are in the middle of the law of 11 February 2005, too, it widened the competence of the CNCPH beyond the optional referrals by the Government or of the capacity of initiative which was recognized to it, by entrusting it an obligatory mission of evaluation of the situation of disabled persons dealt with under national solidarity and of proposal in Parliament and in the Government, to ensure this assumption of responsibility "by continuous multi-annual programming". Especially, the last article of the law of 2005 envisages an obligatory consultation of the CNCPH for all the regulatory texts of application of the law of 11 February 2005.

The CNCPH plays therefore an essential role so much in the implementation of the law, than in the step of evaluation and of progression regular of the policy of the disability. Since the law of 11 February 2005, the CNCPH has thus examined some 140 application texts.

The CNCPH organized the work of its Committees to allow an examination of the most complex decrees and decrees and co-operation with the administrations, which made it possible to make develop in a very sensitive way certain draft texts. Thus, the CNCPH was not an advisory authority locked up in the alternative between favorable or unfavorable opinion, but could weigh on the development of regulation. In 90% of the cases, the texts of application of the law of 11 February 2005 received a favorable opinion of the CNCPH.

The CNCPH discussed several subjects which gave rise to a report, such as disabled persons in situation of major dependence and the guarantee of the existence incomes. It was also seized by the Minister for the Labor, for the social Relations, of Solidarity and of the Family, and the secretary of State responsible for Solidarity to contribute its share to the development of the "plan on trades".

The CNCPH is charged with a mission of "coordination" of the Advisory departmental Boards of disabled persons (CDCPH) provided for in article L. 146-2, asked to come to a conclusion about the departmental implementation of the policy of the disability and to carry out a census of disabled persons. To ensure their evaluation mission, CDCPH are informed of the activity of the departmental houses of disabled persons (MDPH) and of the contents and of the application of the departmental programmes of insertion of the disabled workers (PDITH), and have access to the data of the Commissions of the rights of disabled persons' autonomy (CDAPH) and of the institutions welcoming disabled persons.

#### Germany

# 1. Accessibility

The Behindertengleichstellungsgesetz des Bundes (BGG — Federal Act on Equality for Persons with Disabilities) of 2002 provides the basis for the comprehensive design of a fully accessible physical environment. Under the BGG, buildings and other installations, means of transport, technical consumer products, information processing systems, acoustic and visual sources of information and communications equipment and other artificially created parts of the living environment are deemed to be fully accessible if they are accessible and usable for persons with disabilities in the usual fashion without any particular difficulties and without any outside help at all. The BGG obliges the authorities of the Bund and the Länder to take the following measures in as far as they are implementing Federal law:

- new buildings are to be designed to be fully accessible,
- sign language interpreters are to be made available for persons with impaired speech or hearing if they would like to communicate with the authorities,
- notices and forms are to be made accessible to blind or partially sighted persons,
- Inernet sites are to be designed to be fully accessible.

The BGG is underpinned by the equality laws enacted by the Länder, which have brought comparable rules into force for their areas of responsibility. Full accessibility is a requirement for the design of all spheres of life. The BGG has also led to important laws being amended, especially in the construction, housing, and transport sectors, which are geared to bringing about full accessibility in a wide range of areas.

Full accessibility standards are in a state of constant change. For specific areas they are established by general technical standards and also via programmes, plans and agreements on the basis of the *Gleichstellungsgesetz* (Equality Act).

#### 2. Legal capacity

Persons with disabilities have full legal rights under German law. As far as their legal capacity to act is concerned, German law provides for restrictions, as it does for persons without disabilities, on account of their youth or a lack of capacity to understand or to form a will. The legal capacity to act assumes that persons are in a position to assess the significance of their behaviour and also to act in accordance with this insight. Only then can a legal system also hold them to be accountable for the consequences of their behaviour, i.e. regard them as capable of concluding contracts.

The significance of Article 12 for the German legal system has been discussed with the associations of persons with disabilities in the coordinating process for ratifying the Convention. During the coordination process, it was mainly the *Bundesvereinigung Lebenshilfe für Menschen mit geistiger Behinderung* (the Federal Association for helping people with mental disabilities, hereinafter "*Lebenshilfe*") that voiced its opinion. *Lebenshilfe* took the view that the German legal institution of support is largely in keeping with the principles of Article 12, since disabled persons' capacity to act is not lost or restricted when a deputy is appointed for them. Nevertheless, *Lebenshilfe* believes that more assistance models within the meaning of Article 12(3) should be introduced, which reduce or obviate the need to appoint deputies. Such models should be trialled and the required legal basis and financial resources provided.

In its decision initiating the legislative procedure, the Federal Government made it clear that the German legal position is in keeping with the Convention. German law ensures that the Convention's requirements are met. The German legal system provides for the legal institution of support, which encompasses a system with a variety of measures designed to enable the persons requiring support to maintain their independence as far as possible. The basic elements of this legal institution are as follows:

If adult persons are not able to manage all or some of their affairs because of a mental illness or a physical or mental impairment, the Court in charge appoints a deputy for them at their request or on its own motion. In the case of adult persons with physical disabilities, a deputy may be appointed only at their request, unless they are unable to make their wishes known. A deputy may be appointed only for tasks for which support is needed. The deputy must manage the affairs of the person they are supporting in that person's interests, which means, *inter alia*, that persons with deputies are to be free to shape their lives in accordance with their own desires and aspirations as far as they are capable of doing so. Deputies must, in principle, respect the wishes of the supported person. If deputies are managing important affairs, they are always to discuss them with the supported person. Deputies must notify to the court any circumstances which make it possible for support to be terminated, their tasks to be reduced or extended, a further deputy to be appointed or an order for reservation of consent to be made

Even when a deputy has been appointed, the supported person retains the legal capacity to act. Both have legal capacity. The supported person's legal capacity to act is restricted only when the Court makes an order for reservation of consent. The Court does this if it is necessary to avert a grave risk for the supported person or their assets. If an order for reservation of consent has been made, the supported person requires the deputy's consent for wishes which involve the deputy's tasks. Consent is not required if it merely gives the supported person a legal advantage.

Any person suitable to manage the supported person's affairs in the required field for the purposes of the law and to provide personal support to the extent necessary may be appointed a deputy. Continuing training courses are available for deputies.

# 3. Access to justice

German law provides that persons with impaired hearing or speech can make themselves understood in court as they wish, either orally, in writing or by using a sign-language interpreter. Blind or partially sighted persons may request court documents to be made accessible to them in a form they can read as long as this is necessary for them to avail of their rights. This applies to all court proceedings and preliminary criminal proceedings. The costs are to be borne by the court authorities.

The German sign language is recognised as a language in its own right. Persons with impaired hearing and speech have the right to communicate with the Federal authorities in administrative proceedings in the German sign language, by gestures accompanying normal language or using other communication aids. The authorities must bear the costs for these.

# 4. Independent living

According to the 2003 reports from the highest authorities for supervising accommodations for people with disabilities in the *Bundesländer*, there are a total of 5 118 accommodations

with 178 924 places in all. There are estimated to be 8.6 million persons with disabilities in Germany (as at 2005), 6.9 million of whom have severe disabilities (as at 2007).

The principles enshrined in the Neuntes Buch Sozialgesetzbuch (SGB IX — Ninth Book of the Social Code) supports the aim of Article 19 of the UN Convention. For example, it stipulates that services and facilities must give beneficiaries as much scope as possible to shape their circumstances on their own responsibility and promote their independence. When deciding what services are to be rendered and whilst performing them, beneficiaries' legitimate wishes are to be complied with. The SGB IX lays down the principle that out-patient services are to take precedence over in-patient services, taking into account the beneficiaries' interests and individual circumstances. The personal budget in accordance with § 17 SGB IX is an important instrument for independent participation in and integration into society. Beneficiaries are entitled to a personal budget instead of services or benefits in kind. Personal budgets are always provided in monetary form and as combined benefits provided by several sponsors. The personal budget helps beneficiaries to live as independent a life on their own responsibility as they are able. The principle of "out-patient care taking precedence over inpatient care" has also had direct consequences in practice. Twenty major CARITAS sponsors have converted over 2 500 places in the residential units in their large central facilities into small municipality-based units in accordance with the principle of de-institutionalisation or decentralisation. Many of these decentralised dwellings are still for in-patients but they are right in the centre of a locality or a district. This process is leading to a situation where accommodation in decentralised units, regional housing associations and units with outpatient care are increasingly becoming standard practice for persons with disabilities.

As regards initiatives on measuring the quality of services and the impact on the quality of life, there are a variety of arrangements in Germany for quality assurance in social services.

# 5. Voting rights

In accordance with the constitutional principle of universal suffrage, persons with disabilities also have a right to vote and stand in Federal, regional and municipal elections in Germany. This principle is also guaranteed in law for European elections. The election law of the *Bund* and *Länder* ensures that the voting procedure and the voting process for elections at various levels do not disadvantage persons with disabilities.

#### 6. Monitoring mechanism

The Federal Government's Cabinet decision of 1 October 2008 initiating the legislative procedure for ratifying the Convention and the Optional Protocol entrusted the *Deutsche Institut für Menschenrechte e.V.* (German Institute for Human Rights) with this task under Article 33(2). The **Deutsches Institut für Menschenrechte e.V.** is an independent body which will work closely with civil society. It has already organised two meetings for civil society to get to know it better.

The Institute is an independent body operating on the basis of the United Nations Paris principles, to which Article 33(2) refers. It is currently financed by the Federal Ministry of Justice, the Foreign Ministry and the Federal Ministry of Economic Cooperation and Development and its independence is guaranteed via its legal form and the articles of association. It started work in 2001 and in the same year was recognised internationally as the national human rights institution. The website address is: www.institut-fuer-menschenrechte.de

There are plans to set up a separate department within the Institute for the tasks under Article 33(2). The Federal Ministry of Labour and Social Affairs is currently making the preparations for providing some 430 000 euros a year to support the independent body.

The Federal Ministry of Labour and Social Affairs will, as a focal point in accordance with Article 33(2), continue to involve civil society. The Ministry is planning a national conference on the implementation of Article 24, which civil society is involved in preparing via the *Deutscher Behindertenrat* (German Council on Persons with Disabilities).

The **representative** of the Federal Government for the concerns of persons with **disabilities** is the interface between the governmental and non-governmental level. The task of the **coordination mechanism** in accordance with Article 33(2) was entrusted to this office. The representative is organising ten conferences on implementation of the Convention in Germany in conjunction with the associations at the beginning of 2009.

Even that there are no specific plans for preparing the report, there are national guidelines for compiling reports in connection with international human rights treaties which will serve as a basis for reporting under the Convention.

Statistics on the population, labour market and housing situation in Germany are collected by the Federal Statistics Office and the Regional Statistical Offices under the *Mikrozensusgesetz* 2005 (2005 Micro-Census Act). The micro-census is a multiple random sample survey which provides detailed information on the economic and social situation of the population and answers questions about employment, the labour market and training. The data are intended to make it possible to assess the implementation of existing rules and obligations, identify problems and correct them if possible. Questions are also regularly asked in the micro-census about disabilities and health, participation in working life by persons with disabilities and their situation with regard to training and income. These questions are always answered on a voluntary basis but, as a rule, enough information is provided for an assessment and additional projections to be made regularly in this area.

On the basis of  $\S 131$  SGB IX a statistical survey of persons with severe disabilities, which started as early as 1979, is carried out every two years.

For the purposes of  $\S2(2)$  SGB IX, persons with severe disabilities are those with a disability of at least 50%. The statistics on severely disabled persons provide information on their situation in life and therefore supply basic data and a basis for assessment for social policy planning and measures. The *Versorgungsämter* (social affairs offices) provide individual data on the number, age and sex of persons with disabilities and the type, cause and degree of the disability.

# 7. Empowerment of people with disabilities

Involving civil society is an important part of the policy for persons with disabilities. Civil society was involved in the coordination on the bill for the purposes of ratification and was heard in the *Bundestag* in the expert hearing during the legislative procedure.

The Federal Ministry of Labour and Social Affairs is taking the following action with a view to implementing the Convention:

• Empowering civil society in accordance with Article 8(2)(d)

The Ministry is promoting a project of the *Deutsche Institut für Menschenrechte* from 2009 with which the competence of associations is to be strengthened to allow them to avail of procedural rights under the *Allgemeines Gleichbehandlungsgesetz* (General Equality Act) (assistance in proceedings), under the *Behindertengleichstellungsgesetz* (Equality Act for Persons with Disabilities) (capacity to sue in one's own name without being involved in the subject matter involved and collective action) and under the Ninth Book of the Social Code (capacity to sue in one's own name without being involved in the subject matter involved) and the Optional Protocol to the Convention (individual complaint). The project will run initially for three years.

From 2009 onwards, a network of associations will be built up with financial support from the Ministry, which will enable the associations to conclude agreements with private sponsors under the *Behindertengleichstellungsgesetz*. The aim of the agreements is to create full accessibility at private sponsors (e.g. within a company).

• Awareness-raising in accordance with Article 8(1)

The Ministry is taking measures to inform the public, especially civil society, about the Convention:

- regular lectures for civil society and other institutions
- versions of the text in accessible formats will be developed in 2009 (in simple language and in a sign-language video)
- the Federal Government's report on persons with disabilities: Presentation of political activity on behalf of persons with disabilities, using the Convention as a reference document
- Handbook for persons with disabilities: The handbook is the Ministry's most important publication in the area of disability policy. The new version will print the text of the Convention and provide information on it
- Leaflet: In 2009, a separate leaflet on the Convention (also in simple language) will be drafted as well.

# Hungary

# 1. Accessibility

The Act No 78 1997 concerns the shaping and protecting of the built environment defines the accessibility, and declares the architectural rules and standards of accessibility in detail.

The Act No 26 1998 on the rights and equal opportunities of people with disabilities declares that all state and local government institutions which provide public services have to meet the requirements of the physical and info-communicational accessibility before the 31th of December 2010. For the sake of the cause, the Hungarian government spends over 25 billion HUF on the issue of accessibility through EU-tenders as well as other domestic resources.

The current legislative rules and standards that are already in force seem sufficient now, but there area regularly review and updates, if necessary. The Act on the shaping and protecting of the built environment has been changed on the 1st of January 2009 accordingly to the new international requirements of accessibility.

# 2. Legal capacity

Act No 4 1959 on Civil Code declares that each individual has legal capacity if due to his/her age or court jurisdiction there's no legal restriction. The scope of restriction may has a general affect on legal capacity (basically it's a general restriction, which means that there's practically no legal capacity) or may cover only certain types of cases, e.g. the person has no right to make a will or sign contracts. The ground of general or partial restriction is the lack of mental ability, so intellectual difficulties (disability) could be a reason for limiting or excluding legal capacity. In these cases permanently or provisionally the person in question is taken into a guardianship by court which limits his/her competency. Unless otherwise provided by law, the legal statement of a person with limited legal capacity shall not be deemed valid without the subsequent approval or consent of that person's legal representative. Legal statements made by incompetent persons i. e. under guardianship shall be null and void; their legal representatives shall proceed on their behalf.

The better understanding of the special needs of people living with disabilities has been taken to practice in the work of the judicial system. Courts are trying to minimize the measure of the limit of self-advocacy and independent decision making of disabled people. However legal guardianship is still in practice.

Currently there's a debate at the Hungarian Parliament about the new Civil Code<sup>15</sup> which will radically change the above mentioned system if it is adopted. The major changes recommended in the draft law are the following:

<sup>&</sup>lt;sup>15</sup> According to <u>Draft</u> Civil Code

<sup>-</sup> the person of legal age – for the case of future limitation of their legal capacity or, lacking it, decline in their discretionary power – has the opportunity to make a preliminary legal statement in a public document, in a private document countersigned by an attorney, or personally at the court of guardians in the interest of the settlement of their financial and specific personal relations;

<sup>-</sup> the Court can decide on the appointment of a supporting person or persons (hereinafter together: supporter) in particular matters or groups of matters for the person of legal age and of legal capacity, because of their mental capacity, psychical condition or addiction, plausibly in need of help, with a decision adopted during the procedure specified in the specific other act or the procedure of placement under guardianship, when they make the legal statement;

- a) There will be no possibility to restrict legal capacity on a general ground; the court may decide to restrict it only to certain types of cases.
- b) According to the draft there will be a more differentiated system regarding adult persons, e.g. not only legal guardianship but supported decision making and preliminary legal statement. These new legal instruments will not restrict the legal capacity of the person but will create a shelter for him/her in order to do his/her on business and as a result legal capacity could be kept. Any restriction may be imposed only if it is necessary and proportional and the restriction will be decided when the person may endanger him/herself. The fact itself that the person is not capable to carry his/her own business could not be a ground of any restriction of legal capacity.

It will be necessary to launch such trainings after the adoption of the new Civil Code regarding e.g. supported decision making.

During the preparation of this new draft on Civil Code the relevant civil organisations were actively involved (e.g. Hungarian Association for Persons with Intellectual Disability). The representatives of civil society had an important role in the formulation of the text since they commented it and made a number of proposals which had been incorporated into the Draft. The user organizations keep supporting the idea of the paradigm shift concerning supported decision making and abolishing guardianship excluding legal capacity. The current regulation shall be changed in order that the provisions of the UN Convention could be well transposed, in particular Article 12.

# 3. Access to justice

According to the Act No 26 1998 on the rights and equal opportunities of people with disabilities the deadline of physical and info-communicational accessibility is 31 December 2010. Due to the financial resources allocated through tenders a number of court buildings as well as police stations was or will be rebuilt in order to fulfil the requirement of physical accessibility. Currently approximately half of these buildings are accessible. Due to the lack of enough financial resources the deadline for removal physical barriers set by law most likely will not be kept and these projects will continue after 2010.

As far as prisons are concerned in every new investment or reconstructing project accessibility is a top priority not only in the light of imprisoned persons but for persons who visit prisoners (relatives, family members, lawyers, etc.) too. In newly built and renovated prisons there are cells for prisoners using wheelchairs. For those imprisoned persons with disabilities who need rehabilitation services and/or medical treatment a special institute was appointed where they can serve their prison sentence.

In order to provide human rights for people living with hearing difficulties the different codes on civil, criminal and administrative procedure impose duties on courts, police, other authorities, etc. that during the procedure a sign language interpreter has to be employed when a person with hearing difficulties has to be questioned. A sign language interpreter generally could be only a person with relevant qualification. If the person has to be questioned doesn't know sign language, written communication will be required. There is an

<sup>-</sup> the person of legal age is of diminished capacity, if the Court places them with this effect under guardianship in a specific matter or group of matters;

<sup>-</sup> the person of diminished capacity – except for right to vote – is of legal capacity in all the matters or groups of matters in which their legal capacity is not limited by the Court

ongoing procedure to regulate sign language in Hungary, e.g. acknowledge sign language as official language, establish rules on accessibility to sign languages interpretation service, etc. The law is in under preparation and most likely it will be discussed at the Parliament in the second half of 2009.

It's an outstanding significance to keep legal guarantees and protect human rights of people with disabilities during criminal procedure 16.

The annual training plans of judges regularly cover law enforcement of disadvantageous groups, such as people with disabilities. The training has elements e.g. of psychological knowledge, treatment of people with disabilities, etc. Until now such training hadn't been carried out for the staff of prisons, but recently a 14 weeks basic training, which covers elements regarding the treatment of people with disabilities, was introduced for prison officers. Also the curricula for policemen's training cover the basic information concerning the treatment of people with disabilities.

# 4. Independent living

The latest data on the situation of persons with disabilities are from the result of the national census from 2001. According to these data there are approximately 577 000 people with disabilities in Hungary, which is 5,6% of the whole population. In 2001 92% of people with disabilities were living in households, and 80% of this 92% was living with other family members, therefore most likely they can rely on the help of the family. Among those families where there are people with disabilities, 19% have children with disabilities. There are different tools to give financial support to these people, e.g. family allowance, cash benefits, etc.

According to the latest data in 2007, 17533 people with disabilities lived in institutions and 1307 in so called independent houses. Hungarian Autistic Society has launched a nationwide survey on the special needs of families/people living with autism, including their special problems, accessibility to different services. They are also focusing on the dysfunctional working of educational system concerning the students/pupils living with Autism Spectrum Disorder. There is more information about the survey on the website <a href="https://www.esoember.hu">www.esoember.hu</a>.

In order to keep and maintain the independence, people with disabilities supportive can demand services. In 2007, 18590 persons with disabilities obtained this service. Supportive service is a complex one which comprises e.g. personal assistance, transport, shopping, etc.

<sup>&</sup>lt;sup>16</sup> Code on criminal procedure, Art. 86.:

<sup>&</sup>quot;(2) Those who have limited capacity to understand the meaning of refusing to testify as a witness due to their mental or other state may only be questioned as a witness if they wish to testify and their legal representative or the relative designated by the witness consents thereto. The legal representative or the relative designated by the prospective witness may detain a lawyer to act on behalf of the witness.

<sup>(3)</sup> The legal representative and the ward of the witness may attend the examination of the witness who is under eighteen years of age and is specified in subsection (2).

<sup>(4)</sup> In the event of a conflict of interests between the witness and the legal representative or ward thereof or the relative designated by the witness, the rights stipulated in subsections (2) and (3) shall be exercised by the court of guardians."

Art. 114

<sup>&</sup>quot;As a rule, deaf or dumb persons shall be questioned either by way of a sign interpreter or by way of written communication."

Those who are living in institutions are mostly people with intellectual disabilities and people with serious disability and complex needs. The National Program on Disability, as well as the Act on the Rights of people with disabilities, has set the target to abolish institutions step by step. The aim is that those who can live on their own or with only a certain type of supportive service could live in independent houses or in other forms of community based living. Besides deinstitutionalisation, modernisation of current institutions is also a priority. 'Training flats' and special living spaces are created within the framework of the institutions in order to promote private sphere as well as integration into the society. Training flat is a special tool to be prepared for community based independent living.

Though the deadline of deinstitutionalisation is 2010, it is most likely that the programme will not be finished by then due to the lack of financial resources.

As regards alternatives to institutions, the aim is to improve the existing services. The system of supportive service was reformulated in 2008, which means that it is financed by the state through tenders, and not only local governments but other forms of service providers (NGOs, churches, etc.) can get state finance and they supported to give service. The aim was to strengthen these services. There are also other programmes targeting community based services, e.g. a pilot programme provided by a consortium of private foundations aiming to support families having a member with disabilities in order to make possible for them to work in open labour market.

Concerning initiatives on measuring the quality of services and the impact on the quality of life, professional standards and protocols are under preparation. Without these standards it is rather difficult to measure the quality of services, therefore it will be introduced after the adoption of these protocols.

People with disabilities belong to the most disadvantageous groups of Hungarian society. Employment is a key issue regarding social inclusion, therefore strong commitment and efforts have to be done at EU level in order to promote the employment of people with disabilities preferably in open labour market. The declaration of non-discrimination is not enough, concrete steps, positive actions have to be done for social inclusion and integration

# 5. Voting rights

Persons with disabilities are protected by Act No. 26 of 1998, stipulating various obligations for governmental bodies, including local governments which are responsible for assuring the necessary equipment and especially the room(s) for the voting process.

The Constitution of the Republic of Hungary regulates the basic principles of elections and chapter 13. § 71 (1) guarantees the secrecy of vote. Act 100 of 1997 on Electoral Procedure (hereinafter: LEP) contains further arrangements for the proper implementation of the abovementioned basic right.

- Voters cast their ballots in a cabin on their own
- Voters place seal their ballot in an envelope and put it this way in a ballot box
- Election documents with the exception of the minutes are terminated 90 days after the day of voting

Additionally the LEP contains just like in the case of secrecy numerous arrangements on how to help elevating the exercise of voting rights:

• The voter may ask for assistance from another voter or two ward committee members if he/she has difficulties when casting their ballot for whatever reason,

• Voters who are hindered from visiting the polling station due to some disability or other (well founded) reason may ask two members of the ward committee to fetch a moving ballot box and visit them in their home or other place of residence.

Apart from the legal regulations the electoral bodies assist disabled people also in other ways in their right to vote.

One example is the election website located at <a href="www.valasztas.hu">www.valasztas.hu</a> which has also a blind friendly version at <a href="www.valasztas.hu/vakbarat/index.html">www.valasztas.hu/vakbarat/index.html</a> and yet another example is that polling stations are also equipped with special cabins that can be put on tables so that voters with wheelchairs can cast their votes easily.

We have put high emphasis on the various measures mentioned so far and this will remain that way, we do not intend any legal or practical modifications for the conduct of voting.

In the current regulation people with guardianship limiting or excluding legal capacity do not have the right to vote even in parliamentarian elections. The Civil Code Draft will not come into force by the time of elections to the European Parliament.

# 6. Monitoring mechanism

The National Council on Disability Issues was appointed for monitoring by the Government. The representatives of civil society, NGOs, major civil organisations are members of the National Council on Disability Issues therefore they are deeply involved into the process.

However no formats for the reporting, neither development any statistical data or indicators in view of monitoring the application of the Convention have been set up yet.

#### 7. Empowerment of people with disabilities

The National Council on Disability Issues was set up in 1999. The Council comprises from the representatives of the Government and the NGOs, all major national organisations of people with disabilities are represented in it. Every policy document, proposal, draft, etc. which is dealing with disability issues or may have an impact on people with disabilities have to be submitted to the Council which comments them. Besides during the elaboration of such document the relevant civil organisations are questioned about their opinion regarding the draft proposals and provisions.

The National Council on Disability Issues has the right to discuss, comment all policy documents and draft legislation dealing with people with disabilities and/or has an impact on them.

The Hungarian Ministry of Social Affairs has subcontracted the Hungarian Autistic Society (HAS) to set up a mid-term strategy for the development of the services for people living with autism, it can be downloaded from the following website: <a href="www.esoember.hu">www.esoember.hu</a> (in Hungarian and in English as well). During the working process on the Strategy HAS was fully involved in every phase.

Awareness raising is a key issue, therefore there is an ongoing countrywide campaign in Hungary, financed by the Prime Minister's Office for the public awareness of people living with disabilities. During this campaign, 1-minute-long TV-spots have been shot about the special problems of people with autism, hearing difficulties, blindness, intellectual difficulties and people using wheelchairs have to face with. The Aim of the campaign is to make people

to pay attention to the needs of people with disabilities as well as the necessity of social integration.

Pilot programmes were carried out to train students, teachers about integration of people with disabilities. Since 1993 the elementary school education is integrated.

#### **Ireland**

#### 1. Accessibility

The Government is committed to developing a more coherent and integrated response to the needs of people with disabilities and established the Office for Disability and Mental Health in January 2008. The new Office, which is located within the Department of Health and Children, brings together responsibility for a range of different policy areas and State services and aims to bring about improvements in the manner in which these services respond to the needs of people with disabilities by working to develop person-centred services, focusing on the holistic needs of clients and service users and actively involving them in their own care. The Office for Disability and Mental Health will have a vital role in progressing the Government's agenda for people with a disability and mental health. The various Government Departments will be expected to work very closely with the new Offices on all relevant issues to ensure maximum return from this whole of Government approach.

Part 3 of the Disability Act 2005 requires six Government Departments to have Sectoral Plans. People with disabilities, their families, carers, advocates and service providers were consulted on the Plans before they were finalised. The Irish National Disability Authority (NDA) was also involved in the preparation of the Sectoral Plans. Each Plan includes arrangements for complaints, monitoring and review procedures. The Plans were approved by the Oireachtas (Irish Parliament) in October 2006 and published in December, 2006. The Sectoral Plans are due to be reviewed by the end of 2009. Accessibility is a key element of each Sectoral Plan.

There is an obligation to provide reasonable accommodation to employees with disabilities under Employment Equality Legislation; similarly there is a legal obligation on suppliers of goods, services and products to provide necessary accommodation to people with disabilities.

Under the provisions of the National Disability Authority Act, the NDA has a role in advising the Minister for Justice, Equality and Law Reform on appropriate standards for programmes and services for people with disabilities and to act as an advisory body with regard to the development of general and specific standards in relation to such programmes and standards. The NDA also has a role in monitoring the implementation of standards and codes of practice in programmes and services provided to persons with disabilities and to report to the Minister thereon.

The NDA developed a Code of Practice on the Accessibility of Public Services and Information Provided by Public Bodies which was provided for in the Disability Act 2005. The Code of Practice was published in 2006. In 2008, the NDA developed a monitoring questionnaire to assist the evaluation of the implementation of the Code of Practice and is currently developing an action plan to address the findings from the exercise.

The access provisions of the Disability Act 2005 concerning Heritage sites came into operation in December 2007 and the legal implications of a draft Code of Practice prepared by the NDA are being assessed at present.

Part 6 of the Disability Act 2005 which provided for the establishment of a Centre for Excellence in Universal Design (CEUD) came into operation in January 2007. The CEUD was established in 2007 in the NDA. The Center has produced various accessibility guidelines in the ICT domain. Accessibility of the built environment in Ireland for people with disabilities is controlled by Part M of the Building Regulations (2000) entitled "Access for People with Disabilities". The underlying philosophy of Part M is to ensure that as far as is reasonable and practicable; buildings should be usable by people with disabilities. A Technical Guidance Document for Part M is also provided in three sections, which include

access and use, sanitary conveniences and audience and spectator facilities. The first part of section one deals with both buildings other than dwellings and the second part of section one deals solely with dwellings. Areas covered in the document include: approach, access, circulation, hotel and guest rooms and use of facilities in a building.

The building regulations apply to construction of new buildings after 1<sup>st</sup> January 2001 and any extension work or renovations carried out after this date. In addition, certain parts of the regulations apply to existing buildings where a material change of use takes place. Otherwise, building regulations do not apply to buildings constructed prior to 1st June 1992.

There are also a number of Acts that provide a legislative framework whereby premises and services must ensure that organisations do all that is reasonable to comply with minimum accessibility requirements. These include the Equal Status Act, the Health and Safety Act and the Employment Equality Act.

# 2. Legal capacity

Disability can be a ground for restriction of legal capacity. It is recognised that there are deficiencies in the law which is why the Government is proceeding to amend the law in this area.

In September 2008, the Irish Government approved the drafting of a Mental Capacity Bill. The detailed "heads" of the Bill have been published on the Department's website for consultation. The Bill reforms the wards of court system in so far as it applies to adults and replaces it with a modern statutory framework governing decision making on behalf of persons who lack capacity. It will provide greater protection for persons with intellectual disabilities, those suffering from dementia or mental illness and persons who have acquired brain injuries through trauma or accident. It will provide clarity in the law for carers who take on responsibility for persons who lack capacity. The Bill is largely based on recommendations made by the Law Reform Commission in its Report on Vulnerable Adults and the Law. It will give effect to the Convention in so far as it applies to the legal capacity issues in Article 12d of the Convention. Publication of the Bill is expected in 2009.

The Scheme of the Mental Capacity Bill (mentioned above) was published in September 2008 together with an invitation to interested parties to make written comments. In addition, a Conference on the Government's proposals as published was hosted jointly by the Department of Justice, Equality and Law Reform and the NDA in February, 2008. The NDA, in preparation of its submission on the Bill is consulting widely with the Disability Sector.

People with disabilities experience many barriers in accessing information and as a result can be unaware of their entitlements. The Citizens Information Act 2007 is part of the Irish National Disability Strategy and equips the Irish Citizens Information Board to provide a personal advocacy service for people with disabilities. This is underpinned in the Sectoral Plan of the Department of Social and Family Affairs and in the Strategy Statement of the Citizens Information Board 2006-2009.

Providing effective advocacy services relies on having well-trained advocacy workers. This need is being addressed in several ways including the provision of modules in the accredited FETAC Information Providers Programme, single day courses on request and a distance-learning Higher Certificate in Humanities in Advocacy Studies course.

# 3. Access to justice

Newly constructed buildings meet specific building regulations which provide that all buildings must be accessible to all people. An accessibility audit is carried out on all buildings that are designated for refurbishment and accessibility requirements that are identified in the audits are incorporated into the building plans. There is ongoing discussion at European level about installing accessibility features at protected structures and buildings of historic interest.

The Office of Public Works (OPW) provides accommodation services for the Garda Síochána. It is OPW policy to make provision for Universal Access to all new Garda Stations, and, as far as is practicable, on all other projects. In addition, an audio frequency induction loop system (AFILS) to allow persons with impaired hearing communicate with Gardaí has been supplied to all Divisional and District Garda stations.

All necessary appliances for persons with disabilities committed to prison are considered on the basis of the presenting need. Furthermore, healthcare staff develops appropriate care plans for persons with disabilities in accordance with the clinical need.

In both the courts and police stations, translation facilities are made available not only to persons with disabilities but to persons who need language interpretation. In the courts, legislation provides that persons with visual impairments may be accompanied by a reader. An Garda Síochána make appropriate arrangements for detained persons, witnesses etc. with disabilities including the provision of interpretation services. The Gardaí are currently finalising contracts for the provision or foreign language interpretation services.

The judiciary are independent in their function and therefore specific training is not prescribed. It is worth noting that they do have a budgetary allocation that is specifically for training.

The National Learning Network which is part of the REHAB Group provides awareness training to Student Gardai in how to communicate with people who suffer from sensory disability as well as general etiquette when interacting with persons suffering from sensory disability.

Training for Prison Staff is focused on caring for people in custody. Prison staff is trained in respect of access to justice for all persons. Prison, Irish and international instruments and laws of due process and human rights are addressed in Semester 1, 2 and 4 of the Irish Prison Service 2 year Higher Certificate in Custodial Care (HCCC) programme for Recruit Prison Officers. Training with reference to prisoners with disabilities is included in the following elements of the course:

In semester 1 of the HCCC prisoners with disabilities are given due regard during training on diversity and the nine grounds where discrimination is outlawed (disability being one of the nine grounds). This focuses on our responsibilities under specific laws such as: The Prohibition of Incitement to Hatred Act 1989, The Employment Equality Act 1998 and 2004 and The Equal Status Act 2000. The *Prisoncraft* module addresses the responsibilities of prison officers for dealing with the needs of prisoners with disabilities, specifically with regard to Reception duties and Class Officer duties. The semester 1 training intervention: *Introduction to Human Rights* also addresses all aspects of Human Rights issues.

Semester 2 includes modules on *Sociology* (HCCC 4), *Healthcare in Prisons* (HCCC 5) and *Ethics* (HCCC 6), disciplines that deal with issues impacting on prisoners with disabilities. In semester 4, the *Prison Law and Human Rights* (HCCC 9) and *Equality and Diversity* 

Awareness (HCCC 10) modules are specifically tailored, with issues such as access to justice for prisoners with disabilities covered.

Finally, the ethos enshrined in the IPS mission statement and in its core values, recognises its 'obligation to serve the community with full respect for the human dignity and rights of every person, both in custody and in the wider community'. This statement of purpose by the IPS is given due prominence in every aspect of training carried out at the Irish Prison Service Training and Development Centre and in the wider prison community by the Training Liaison Officers (Intercultural Awareness and Diversity, TLO 05).

# 4. Independent living

# Disability Databases

There are two national service-planning databases in the Irish Republic for persons with disabilities: the National Intellectual Disability Database (NIDD), established in 1995, and the National Physical and Sensory Disability Database (NPSDD), established in 2002. These databases inform decision making in relation to the planning of specialised health and personal social services for people with intellectual, physical or sensory disabilities. Participation in the databases is voluntary. These databases do not include those with a primary diagnosis of mental health.

http://www.hrb.ie/health-information-in-house-research/disability/nidd/)

http://www.hrb.ie/health-information-in-house-research/disability/npsdd/

# Residential circumstances of persons with an intellectual disability

The NIDD was established to ensure that information would be available to provide appropriate services to people with an intellectual disability and their families. It currently has in excess of 25,500 registrations, which is estimated to represent almost full coverage of persons in the country with an intellectual disability.

The residential circumstances of those registered on the NIDD in 2007 were as follows:

- 16,366 individuals (63.9%) living in a home setting with parents, relatives, or foster parents;
- 8,262 individuals (32.3%) living in full-time residential services, mainly in community group homes, residential centres, psychiatric hospitals, and intensive placements;
- 903 individuals (3.5%) living independently or semi-independently.

# Residential circumstances of persons with a physical or sensory disability

While the primary focus of the NPSDD is to facilitate service planning and service provision, it also aims to record the details of persons availing of, or requiring, a specialised health and personal service. It has yet to achieve full coverage of the estimated target national registrations. In June 2007 it had 29,089 registrations, representing 65.2% of the estimated target national coverage for the database.

The residential circumstances of those registered on the NPSDD in 2007 were as follows:

- 23,565 individuals (86.7%) living with family members;
- 2,464 individuals (9.1%) living alone;
- 119 individuals (0.4%) living with foster parents;
- 209 individuals (0.8%) living with non-relatives;
- 651 individuals (2.4%) living in full-time residential services;
- 173 individuals (0.6%) describing their living arrangements as "other."

The Mental Health Commission publishes an Annual Report which includes the Report of the Inspector of Mental Health Services, which gives an extensive breakdown of the number of persons resident in approved centres in the 31 mental health catchment areas (<a href="www.mhcirl.ie">www.mhcirl.ie</a>) (3,314 on Census Night 2007).

Concerning the deinstitutionalisation process, A National Steering Committee on Congregated Settings was established by the Health Service Executive (HSE) late in 2007 following discussions with the National Federation of Voluntary Bodies. The Committee involves representation from the HSE, the National Federation of Voluntary Bodies, Inclusion Ireland, Disability Federation of Ireland (DFI), a Self Advocate, the Not for Profit Business Association, the NDA and the Department of Health and Children.

The project is concerned with all individuals with intellectual, physical or sensory disabilities who currently reside in larger congregated settings. Larger congregated settings are living arrangements (whose primary purpose is the provision of services to people with intellectual, physical or sensory disabilities) where ten or more people share a single living unit or where the living arrangements are campus-based. Settings de-designated either under 1945 or 2001 Mental Health legislation are included under the terms of reference for congregated settings. Patients in mental health settings not de-designated are to be addressed through the closure plans as part of the Implementation Plan for Vision for Change.

The project will be consultative and will link with the full range of stakeholders including:

- People with Disabilities
- Families
- Service providers
- Unions
- Staff professional bodies
- Health Information and Quality Authority (HIQA)
- Representative groups and bodies
- Department of Health and Children

Further, the project plans to involve researchers and database personnel to identify gaps in current data so that planning is based on up to date, complete information. The framework will be evidence-based and guided by the UN Convention on Rights of Persons with Disabilities. The implementation of the project will be based on a partnership model.

#### The Project aims to:

- 1) establish the number of settings and comprehensive client profile information in respect of each setting e.g. numbers, age etc;
- 2) develop a project process in respect of each location to:
  - a) undertake the individual assessment of needs;

- b) estimate the range of services required for the necessary alternative locations;
- c) develop a costed plan for closure and associated placement in community settings;
- d) identify the resources which can be redeployed to support the programme;
- 3) building on the work related to each centre; develop a national change programme in respect of congregated settings. This programme is to be based on service models consistent with international best practice;
- 4) specific consideration to be given to assessment of current resources recognising limitations and making maximum use of same including capital which can be re-deployed/re-allocated.

# The project's objectives are:

- 1) To identify the number of people with disabilities currently residing in congregated settings, their support needs and the costing of their current service;
- 2) To specify a framework to guide the transfer of identified individuals from congregated settings to the community based on best practice and up to date research;
- 3) To indicate the likely capital and revenue cost requirements of implementing this framework;
- 4) To detail a communication strategy to disseminate information about the project and how it is proposed to implement the framework;
- 5) To outline an overview of the current situation so that priorities, if necessary, can be decided:
- 6) To present the information gathered in this process to aid in the direction of future policy development in terms of the living arrangements for people with disabilities.

This project which is due to complete its work by end of September 2009 will assist in shaping future policy in this area. A survey to capture data on the number of people with different disabilities living in institutions is currently underway.

As regards the main developments of alternative services, income support for carers in line with commitments in the Programme for Government continues with the Budget for 2009 increasing the rate of Carer's Allowance. The increase is effective from 1 January 2009. The review of carer's allowance and benefit was quality assessed and revised and a number of review recommendations have been provided for in budgets from 2005 to date. Over that time rates of payment have been increased, the means test for carer's allowance has been eased significantly and the respite care grant has been extended and increased. The number of hours for which a carer can engage in employment, self employment, education or training and still be eligible for a carer's payment from the Department of Social and Family Affairs has been increased from 10 to 15 hours per week. The duration of carer's leave and carer's benefit have been extended to 2 years. New arrangements whereby people in receipt of other social welfare payments who are also carers can retain their payment and receive an additional payment, depending on their means came into force in September, 2007. The budget in 2008 increased the income disregard in the carer's allowance means test from April 2008 and benefits such as free travel and a household benefits package are retained.

Furthermore, the development of community based services for persons with a disability is central to current mental health policy, which has identified the need for specific services to address, for example, the mental health needs of specific groups of people who experience mental illness. *A Vision for Change* (http://www.dohc.ie/publications/pdf/vision for change.pdf?direct=1) examines many issues

and makes recommendations across 20 separate themes in Mental Health covering the lifespan from childhood to later life: such as Child and Adolescent, General Adult, Rehabilitation and Recovery, Mental Health Services for Older People, Mental Health Services for Intellectual Disability, and Discrete Specialist. Increased development of community mental health teams is central to this policy, with a number of these having a discrete focus on particular groups, for example, for Child and Adolescent Psychiatry, it recommends:

- Two multidisciplinary Community Metal Health Teams per 100,000 population
- One additional multidisciplinary team in each 300,000 catchment area to provide paediatric liaison mental health services
- One Day Hospital per 300,000
- 100 in-patient beds nationally for all aged 0 18 years, in five units of 20 beds each

Since mid 1990 Ireland has implemented Social Care Model of Services for People with Disabilities. This model is person centred and its main objective is to empower the individual to live as independently as they can within the community. Residential services are developed in community settings typically in 4/5 bedroom residential houses. Day care services are also delivered within the individual community. In home and centre based respite services are provided. There has been a move towards the supported employment model of service for adults with Intellectual Disability/ Physical and Sensory Disability and individuals are supported and encouraged to and partake in social and educational activities within their community.

As regards initiatives on measuring the quality of services and the impact on the quality of life, it is important to mention the National Disability Strategy, launched in September 2004, which supports and reinforces equal participation in society of people with disabilities. The Strategy contains a suite of elements, principally the Disability Act 2005, the Education for Persons with Special Educational Needs (EPSEN) Act 2004, Sectoral Plans prepared by six Government Departments during 2006, the Citizens Information Act 2007 and a disability support investment programme totalling some €900m between 2006 and 2009. The Strategy followed a number of positive legislative and policy measures in prior years which were designed to enhance the equality framework. While the guiding principle of mainstreaming public services for people with disabilities was adopted by the Government in 2000, the Strategy, and the components contained therein, provided the legal basis for this policy.

The Disability Act 2005 is one of the central elements of the National Disability Strategy. It sets down a range of statutory entitlements which are designed to underscore disabled persons engagement with everyday life. The emphasis is very much on mainstreaming as far as is practicable. Part 2 of the Act contains the primary elements of the legislation, including a statutory entitlement to an independent assessment of health and education needs {Section 8}, a statement of services {Section 11} which it is proposed to provide and an independent redress and complaints mechanism {Section 14} should the need arise. The Act also establishes a basis for the preparation of sectoral plans by six Government Departments, designed to ensure that people with disabilities will become an integral part of service planning and provision. Part 2 of the Disability Act 2005 was commenced for children aged under 5 years with effect from 1 June 2007. This prioritisation reflects the importance of intervention early in life, which can have a significant impact on the disabling effects of a condition or impairment. The commencement of Part 2 of the Disability Act 2005 in respect of children aged between 5 and 18 will be introduced in conjunction with the implementation of the EPSEN Act 2004. The requirements of Part 2 of the Disability Act 2005 will be extended to adults as soon as is practicable.

It is the statutory duty of the Inspector of Mental Health Services to report on compliance with Rules, Regulations and Codes of Practice to the Mental Health Commission. The Regulations are minimum standards for a mental health service and services are expected to reach them with the least possible delay. These minimum standards are reflected in the Framework for Mental Health Services (http://www.mhcirl.ie/docs/Quality%20Framework%20for%20Mental%20Health%20Service s%20in%20Ireland%20140207.pdf) and represent the steps towards developing a quality mental health service. The Framework is developed thematically, covering a range of areas, for example: respectful, empathetic relationships are required between people using the Mental Health Services and those providing them; an empowering approach to service delivery is beneficial to both people using the service and those providing it; systematic evaluation and review of mental health services underpinned by best practice, will enable providers to deliver quality services.

The Health Information and Quality Authority (HIQA) was established in May 2007 as part of the Government's health reform programme. It is an independent Authority, with broad ranging functions as follows:

- Setting Standards in Health and Social Services
- Monitoring Healthcare Quality
- Social Services Inspectorate
- Health Technology Assessment
- Health Information

HIQA is developing National Quality Standards on Residential Services for People with Disabilities. The standards will provide a national framework to set out what a quality, safe service for people with disabilities in a residential service should be. A Standards Advisory Group was established by HIQA to develop the Standards. The Group comprised officials of HIQA, the Department of Health and Children, the HSE, service providers, organisations representing people with disabilities and service users. The Group met on a number of occasions during 2008 and a finalised set of draft Standards were agreed in early summer 2008. A public consultation process was initiated by HIQA and was completed during 2008. HIQA has developed Draft National Quality Standards: Residential Services for People with Disabilities which were presented to the Board of HIQA in January 2009 and which will be submitted to the Minister for Health and Children for approval shortly.

(http://www.higa.ie/media/pdfs/Draft%20Standards%20Pub%20Con%20(web).pdf)

# **Housing Guidelines**

The Department of Environment, Heritage and Local Government is responsible for the provision of housing guidelines in Ireland including social housing in Ireland. The Department of Environment, Heritage and Local Government is currently developing a housing strategy for people with disabilities. The Health Service Executive has set up a working group to examine the position with regard to the placing of people from inappropriate settings to more appropriate placements. Most of the services have implemented quality systems which measure the services being provided and evaluate its impact on the service/user's life. This is done through service user satisfaction surveys, service user's evaluations, the Q mark; person centred planning, personal outcomes.

Concerning what could be done at EU level, models of good practice should be shared with each other (as this document will facilitate) so that a European wide standardised, and culturally responsive approach is applied:

- To continue to promote the inclusion of people with disability within their own community
- Promotion of disability awareness campaign
- Education of the public of disability issues

# 5. Voting rights

Legislation is in place to enable, on an equal basis, full enjoyment of the right to vote to every citizen. With regard to accessibility of buildings, procedures, facilities, issues of privacy and confidentiality, specific legislative provisions have been made to facilitate people with disabilities.

# 6. Monitoring mechanism

Co-ordination arrangements pursuant to Article 33.2 will be settled in due course following Ireland's ratification of the Convention.

However, already now the National Disability Strategy as it stands comprehends many of the provisions of the UN Convention. A high-level Inter-Departmental Group was established by Government to advise on any changes to the National Disability Strategy that may be required to enable Ireland to ratify the UN Convention. The Group developed a work programme to address matters that need to be aligned with the UN Convention in order that ratification may take place and these matters are being actively addressed in Government Departments. Disability stakeholders are in ongoing consultation with relevant Government Departments in relation to Sectoral Plans and all aspects of Disability. The Inter-Departmental Group is preparing a progress report on implementation of the UN Convention at this time.

# 7. Empowerment of people with disabilities

The ten year Framework Social Partnership Agreement 2006 – 2015 (*Towards 2016*) is a process negotiated and agreed between Government, trade unions, employers, farming organisations, the community and voluntary sector. It is a published document that sets out a vision for Ireland in the future which envisages a dynamic internationalised participating society and economy with a strong commitment to social justice, sustainable economic development and competitiveness. In respect of people with disabilities, the National Disability Strategy provides for the lifecycle approach and its implementation is the focus of policy over the period of the Agreement.

The Disability Act 2005, inter alia, provides that 6 Sectoral plans are prepared and published dealing with Health; Social and Family Affairs; Transport; Communications, Energy and Natural Resources; Environment, Heritage and Local Government; and Enterprise, Trade and Employment. These plans outline measures to be taken in these sectors as they relate to the provision of services to persons with disabilities.

The delivery of the commitments in the National Disability Strategy is overseen by the National Disability Strategy Stakeholder Monitoring Group who meets 2 times a year under the Chairmanship of the Department of the Taoiseach (Prime Minister). The Disability Stakeholder Group attends this meeting and participates in assessment of the delivery of

progress on *Towards 2016* in particular in respect of the 6 sectoral plans. Disability impact assessment is also a commitment under *Towards 2016*. It is included in Government procedures. Guidelines are currently being developed for general use.

# Irish Government Role to Support Participation of Yon People in Decision Making

Goal 1 of the National Children's Strategy 2000-2010 acknowledges children and yon people as citizens, with a contribution to make to social and political life. The Government recognises its duty to care for children, but also its duty to empower children and yong people to participate in issues that affect their lives. The Office of the Minister for Children and Youth Affairs (OMCYA) has the lead role under the National Children's Strategy in ensuring that children and yong people have a voice in the design, delivery and monitorin of services and policies that affect their lives, at national and local level.

One of the principles in the National Children's Strategy is the inclusivity and that guides policy development in the area. The strategy identifies both universal needs and "additional" needs which includes children and young people who are in anyway excluded whether because of a disability or other social disadvantage issue - inclusion is built into all policy documents and where we are directly involved in service provision, but for example around the "voice of the child", involving children who might otherwise be excluded is a particular focus. This is embedded within the universal approach - the issue of mainstreaming doesn't really arise in that respect.

The OMCYA is responsible for overseeing the development and improvement of participation structures and also undertakes specific participation initiatives in partnership with statutory bodies, government departments and non-government organisations. The OMCYA is committed to ensuring that seldom heard children and young people are included in participation structures and projects.

The OMCYA is working to become a centre of excellence for participation by children and young people in decision-making. Central to the success of this participation work is the collaborative interaction between the participation and research teams within the OMCYA. This collaboration ensures that best practice in young people's participation is a priority and that outcomes are robust and evidenced-based.

The OMCYA is continuously learning from working in partnership with children and young people and our practice has changed and improved through this interaction. Development of an understanding of the needs, concerns and interests of young people have resulted in policies and practices that are more relevant and more likely to be effective. The work of the OMCYA is based on the belief that children and young people are the citizens of today and not the adults of tomorrow.

#### Establishment of Participation Structures

In the last five years, the OMCYA has worked to ensure the establishment or consolidation of four key structures:

Comhairle na nÓg (local youth councils); Dáil na nÓg (national youth parliament); Student councils; and The OMCYA Children and Young People's Forum

#### The OMCYA Inclusion Programme

During 2007, the OMCYA established the Inclusion Programme to develop best practice in participation by seldom heard children and young people in decision making structures and projects. Our engagement with these young people centres on enabling them to become involved in decision-making rather than focussing on their disabilities. Seven organisations, which represent hard to reach young people, have applied for funding to support the involvement of a number of young people in Comhairle na nÓg and the OMCYA Children and Young People's Forum. This is a new project and the OMCYA is facilitating training and capacity building for funded organisations. The programme is being independently evaluated.

# Mainstreaming of Public Services for People with Disabilities

The National Disability Strategy puts the policy of mainstreaming of public services for people with disabilities, which was adopted by Government in 2000, on a legal footing, including enhancement and involvement of people with disabilities and their representative organisations in planning and decision-making processes at all levels.

# Examples:

- 1. The development of a Sectoral Plan for the Department of Health and Children and the Health Services involved a wide consultative process with a range of organisations in its preparation, including, for example: AWARE, Disability Federation of Ireland, GROW, Inclusion Ireland, Irish Autism Action, Mental Health Ireland, NDA, People with Disabilities in Ireland as well as a number of service users who attended the consultation days in a personal capacity, in order to ensure that the needs of people with disabilities are taken into account in all health policy planning and service delivery processes.
- 2. A Vision for Change (2006) sets out a comprehensive policy framework for the development of a modern community focussed mental health service in Ireland. This Government Policy was developed by an Expert Group comprising of a range of key stakeholders including the Former Director of the Irish Advocacy Network and the Director of Schizophrenia Ireland. Underpinning the work of this group was the need to develop a service that would ensure "Each citizen should have access to local, specialised and comprehensive mental health service provision that is of the highest standard" In addition, A Vision for Change (2006) recommended that a National Service User Executive be established "to inform the National Mental Health Service Directorate and the Mental Heath Commission on issues relating to user involvement and participation in planning, delivering, evaluating and monitoring services" 18

The *National Service User Executive* was launched in January 2007 (<a href="http://www.nsue.ie/">http://www.nsue.ie/</a>) and offers advice and makes recommendations to the HSE and the Department of Health and Children towards policy change, plays an active role in service design and delivery as well as promoting the role of service users throughout the mental health services. Groups involved in the executive include, Schizophrenia Ireland, AWARE, BodyWhys, Mental Health Ireland, GROW and the Irish Advocacy Network, as well HSE personnel, individuals who have directly used mental health services themselves and others who have supported a family member through mental illness.

# The Commission on Patient Safety and Quality Assurance

The Commission on Patient Safety and Quality Assurance was established by the Minister for Health in 2007. The Commission's Report – 'Building a Culture of Patient Safety' was

<sup>18</sup> Department of Health & Children 2006, p. 27

<sup>&</sup>lt;sup>17</sup> Department of Health and Children 2006, p. 2 http://www.dohc.ie/publications/vision for change.html

published in August 2008. In the report the Commission strongly emphasised that patients must be heard more effectively in the future in relation to the development of policy for service delivery, development and evaluation. In this regard, the Commission identified the need to develop a national framework and network of patient advocates who will work in partnership with healthcare organisations to improve patient safety and to contribute to the education and continuing professional development of healthcare professionals. The report is currently being considered by the Minister for Health and Children prior to going to Government. This is the first report of its kind and it makes far reaching recommendations which, when implemented, will impact very positively on patients and their families. At service level client advocacy committees are set up to promote the rights and views of service users in relation to service provision. A number of Umbrella Groups set up nationally to promote the needs of people with disability, e.g. Disability Federation of Ireland and Inclusion Ireland

At regional level Ireland has in place development and consultative committees which advocate and promote the needs of people with disabilities. People with disabilities, their representative bodies and non-statutory organisations providing services are regularly consulted in relation to the development and implementation of all policies.

The National Disability Authority (NDA) was established by statute in 2000 as an independent body under the aegis of the Department of Justice, Equality and Law Reform to develop and monitor standards in services for people with disabilities and to advise the Government on disability policy and practice. The NDA is actively involved with the implementation of important aspects of the National Disability Strategy and supports Government Departments and agencies in meeting relevant objectives.

The NDA has a statutory remit to undertake, commission or collaborate in disability research, and to contribute to the development of statistical information relating to programmes and services for people with disabilities. The NDA's Research Unit fulfils this remit in a number of ways, including:

- The production and dissemination of disability research on a wide range of policy and service related issues;
- Contributing our expertise to national research and development initiatives such as
  the Central Statistics Office's National Disability Study, the Health Research Board's
  National Disability Databases, and projects in partnership with agencies such as the
  National Women's Council, the Council for Ageing and Older People, the Equality
  Authority and many others;
- Hosting the NDA Annual Disability Research Conference;
- The NDA Database of Disability Research in Ireland;
- Funding research at grassroots level through the Research Promotion Scheme (RPS); and
- Funding postgraduate research through the NDA Disability Research Scholarships

A range of organisations are supported to develop facilities to promote the voice of persons with a disability at national and local level. For example, the Irish Advocacy Network (<a href="http://www.irishadvocacynetwork.com/">http://www.irishadvocacynetwork.com/</a>) has peer advocates in place in most Health Service Executive Areas in Ireland. Their main job is to give support and information to people experiencing mental ill-health by befriending them and offering a confidential listening ear or peer advocacy. The peer advocate has a role in helping people to take control of their lives i.e. fostering empowerment. Whilst the Network supports the empowerment of individuals at local level, nationally through participation in a range of mental health related forums, it promotes the voice of persons experiencing mental ill-health through membership of mental

health related bodies, for example, the Chief Executive Officer of the Irish Advocacy Network is a member of the Mental Health Commission (<a href="http://www.mhcirl.ie/index.htm">http://www.mhcirl.ie/index.htm</a>), as are representatives from BodyWhys and Schizophrenia Ireland.

Government funded organisations have engaged in national awareness campaigns in order to increase awareness of, for example, mental ill-health, and steps people can take to promote mental health. For example, the National Office for Suicide Prevention (<a href="http://www.nosp.ie/">http://www.nosp.ie/</a> conducted a 'Your Mental Health' awareness campaign which aims to improve awareness and understanding of mental health and well-being in Ireland (<a href="http://www.nosp.ie/cgi-bin/show.cgi?news1">http://www.nosp.ie/cgi-bin/show.cgi?news1</a> and <a href="http://www.yourmentalhealth.ie/">http://www.nosp.ie/cgi-bin/show.cgi?news1</a> and <a href="http://www.yourmentalhealth.ie/">http://www.nosp.ie/cgi-bin/show.cgi?news1</a> and <a href="http://www.yourmentalhealth.ie/">http://www.yourmentalhealth.ie/</a>).

Educational programmes have been developed, involving persons with disabilities, to increase awareness and understanding of disability and the needs of persons with a disability. For example, an extensive Disability Awareness Training programme was provided for staff in the Department of Health and Children in order to increase understanding and awareness of disability, which included a person with a disability presenting on their experience of living with a disability.

Various agencies provide information / awareness evenings in local communities to increase awareness of different forms of disability and promote active engagement of persons with a disability in community activities.

# Italy

# 1. Accessibility

General provisions on accessibility of infrastructures (built environment) are included in the law n. 104/1992 (Statutory law to promote the assistance, the social integration and rights of persons with disabilities), which provides for all designs of public and open-to-the-public private buildings to comply with the legislation regarding the removal of architectural barriers. Authorizations to build depend on the same legislation.

The Consolidated Building Act (Testo Unico Edilizia, adottato con Decreto del Presidente della Repubblica n. 380/2001 and linked provisions (e.g. law n. 13/1989) provide for the removal of architectural barriers in private and public buildings and relevant sanctions.

Law n. 104/1992 establishes that municipalities should identify suitable ways to provide individual transport for persons with disabilities who are not able to use public transport, by drawing up mobility plans foreseeing alternative services.

Law n. 4/2004, provides for specific measures aimed at enhancing access of persons with disabilities to ICT tools and devices.

Law n. 37/1974 provides for guide dogs to be allowed free of charge on public transport. Recent public means of transport such as train buses and coaches are equipped with special facilities for passengers with disabilities and with reduced mobility. All European directives and regulations concerning accessibility of public transport have been implemented, in particular Regulation (EC) n. 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air which is expected to pave the way for similar regulations in the field of bus and maritime transport.

Specific initiatives are adopted by the regions on the base of their responsibility (since 2001) for local governance of social policies.

Detailed technical regulations on accessibility of public and open-to-the-public private buildings are included in Presidential Decree n. 503 of 24 July 1996.

Italy is in the first phase, checking the effectiveness of national legislation in relation to the principles of the UNC.

# 2. Legal capacity

The legal ability is for all citizens, without distinction.

Also the legal capacity (the capacity to express the will for relevant acts) is generally for all citizens, and only in specific cases the disability is a ground for restriction. A restriction of legal capacity is provided for by the law only for the persons who - on the base of a disability - do not have the full ability to mean and of wish (mental competence). For example, a person with mental disability can inherit a property (on the base of legal ability), but cannot run it without legal assistance (because of a restriction of legal capacity).

For these persons, the Civil Code provides special assistance for the relevant acts, under the control of a judicial body (generally for the acts for properties).

In consequence of specific request from organizations of persons with disabilities, the law n. 6/2004 was adopted. It introduced the "assistant manager" (Amministratore di sostegno), to provide new measures relating the exercise of legal capacity, more proportional and tailored to the person's circumstances and under the control of a judicial body.

Some Regions provides training for "assistant manager", in cooperation with law courts, municipalities and organisations of persons with disabilities.

Since the beginning of 2009, the Ministry of labour, health and social policies finance a pilot project to promote, at regional level, the diffusion and the application of "assistant manager", included training for those who offer the availability to carry out this function.

## 3. Access to justice

Effective access to justice for people with disabilities in the same way as other citizens is a fundamental right granted by the Constitution. There are no limitations and persons with disabilities are not subject to any discriminatory measure.

The law n. 67/2006 provides for special measures of legal assistance in case of discrimination on the grounds of disability, through the intervention of organizations representative of people with disabilities.

Moreover, the law courts must be accessible as all the other buildings open-to-the-public and the Civil and Penal Code provides the interpreting for deaf persons who take part in a trial.

## 4. Independent living

Since 2000, Italy has established a National Information System on Disability (Sistema Informativo sulla Disabilità) provided by Italian National Institute of Statistics (Istat) and coordinated and supported by the Ministry of labour, health and social policies. Currently this Information System uses indicators related to the following areas: Social and Health Care; Family; Accidents; No-profit Organization; Education system; Employment; Transports; Social inclusion. These statistical information are available on a dedicate web site (<a href="www.disabilitaincifre.it">www.disabilitaincifre.it</a>). On the basis of the last available data for the period 2004-2005, in Italy 2.600.000 persons (approximately 4,8% of the total population that lives in family) declare in the interviews a total lack of autonomy at least for one of the essential activities of the daily life. This number increases if we consider, altogether, the persons who declare an appreciable difficulty in doing these essential activities of the daily life: 6.606.000 persons, approximately 12% of the total population that lives in family of advanced age to 6 years.

On the basis of the last available data for the year 2004, there are approximately 190.000 persons with disability in dependency situation and elderly people who live in long-term residential structures.

As regards the deinstitutionalisation process, it started some years ago and actually in some areas there are community-living settings whether to support the family ("durante noi"), or to accommodate persons with disabilities lacking family care ("dopo di noi"). However, there are greater difficulties regarding the possibility to provide a good solution for the accommodation of persons with psychical disabilities.

As for alternatives to institutional care, local administrations and Public health service providers are required to provide support and care services throughout their territory, including at home. The provision of personal assistance ad care to persons with disabilities is

with the responsibility of the local administrations, which put in place regional health care Programmes. The solutions adopted vary in the different territorial areas and range from institution-based care to community-based social and health care services.

The National Fund for non-self-sufficient people has been allocated resources totaling 100 million euro in 2007, 300 million in 2008 and 400 million for 2009. These resources, which are apportioned among the regions and autonomous provinces according to the non-self-sufficient population living there, and based on local demographical and socio-economic indicators, are added to those earmarked at regional and local level for projects aimed at supporting disabled people and their families. The resources paid into the national fund are allocated to provide social care services to people assessed as non-self-sufficient, regardless of age, and add on to the specific funds that many regions already set aside for this purpose.

These actions are all part of a broader project aimed at defining the basic social service levels for the non-self-sufficient, alongside the basic levels of healthcare that have already been uniformly defined for the entire country. The apportionment of these funds to the regions and autonomous provinces is based on the above mentioned specific fields of action, which serve as earmarking guidelines for the local authorities. In particular, the following goals have been set:

- 1. To strengthen the one-stop-shops in order to enhance access, at the community level, to services dedicated to the non-self-sufficient, with a special focus on disseminating information among the public.
- 2. To strengthen the care giving procedures for the non-self-sufficient, by means of a tailored care plan integrating health and social care services. In this field of action, the aim is to foster the use of new technologies, with a view to extending in time, as far as possible, conditions of self-sufficiency.
- 3. To strengthen the integrated care procedures for the non-self-sufficient, enabling them to stay in their homes and continue to live in a family environment.

Alongside the actions foreseen by the National Fund for non-self-sufficient people to be implemented at local level, the measure allocating the funds to the regions and autonomous provinces also provides for the monitoring of the single actions implemented by the National Fund, in order to collect, at central level, all the information on the services provided to non-self-sufficient patients. The more general objective is to collect a full set of information for each person cared for, specifying the services provided and any benefits paid out, according to the disability. This monitoring activity shall also be aimed at achieving a more effective definition of the essential levels, as a result of the analysis of the patients' needs and of the services available in the different local environments.

At EU level, good practices on measuring the quality of services and the impact on the quality of life should be identified and promoted.

### 5. Voting rights

The right to vote of the persons with disabilities is disciplined from specific rules that take into count also the specific conditions of disabilities. The persons with a limited mobility can exercise the right of vote with the aid of a member of their family or with the aid of other voter. Local authorities ensure a service of public transport to the polling station. National laws foresee specific precise indications on the accessibility of the electoral seats, with

detailed lists on the furnishings, the concrete possibility to enter in the polling booth, the visibility of the lists of candidates, etc.

The person with disabilities can vote in an accessible polling station if his/her own station is not totally accessible. On the base of law n. 22/2006 the person with disabilities has the possibility to vote at home in consequence of a serious disability or for the continuative use of medical equipment.

## 6. Monitoring mechanism

The ratification act of the UN Convention on the rights of people with disabilities, adopted by the Parliament with national law n. 18/2009, also provides for the establishment of a national Observatory for monitoring the condition of people with disabilities, a collective body that will facilitate the constant link between government and people with disabilities and their families and support organizations. It is a body where the different needs of people with disabilities can be discussed in order to identify proper and joint solutions, a body based on participation that can grant, at the same time, an effective coordination of policies and programs.

The tasks assigned to the Observatory aim at giving new inputs to the policies in the field of disability and can be summarized as follows:

- a. implementation of the UN Convention on the Rights of Persons with Disabilities and drawing up of a detailed report on the measures taken up, as provided by Article 35 of the Convention, in relation with the Inter-ministerial Committee on Human Rights;
- b. set up of a two-year plan of action for the promotion of the rights and integration of people with disabilities, as provided by national and international provisions;
- c. collection of statistical data on the situation of people with disabilities, with reference to the local peculiarities;
- d. setting up the two-year report on the implementation of policies in the field of disabilities, as provided in art. 41, coma 8, of L. 104/1992, also with reference to the new provisions of mentioned delegated bill;
- e. promotion of studies and researches that can contribute to the identification of priority areas of actions and programs for the promotion of the rights of people with disabilities.

The national Observatory for monitoring the condition of people with disabilities will also assure the activities provided by the Article 33.2 of the UN Convention.

## 7. Empowerment of people with disabilities

The organisations representative of people with disabilities are been involved in the decisional processes on disability, at National, regional and local level. Since 1992 the law n. 104/1992 introduced a National Conference on the policies for disability (organised every three years) with the active participation of people with disabilities and their representative organisations. The law provides a Communication to the Parliament on the conclusions of the National Conference.

However, before the ratification of the UN Convention, Italy lacked an institutional body for the permanent consultation of persons with disabilities. For this reason, the consultation of the organisation up to now has happened by an informal dialogue and within the public debate at national, regional and local level. In the next future, the mainstreming strategy on disability issues will be implemented by the National Observatory for monitoring the

condition of people with disabilities, established by the recent national law for the ratification of UN Convention on the rights of people with disabilities.

### Latvia

## 1. Accessibility

The accessibility of the environment in construction policy is regulated by **Construction law**, which defines "accessibility of the environment" and also determines that a structure shall be designed and constructed so as to ensure the accessibility of the environment. Currently there are two regulations of the Cabinet of Ministers in force- Regulation No. 567 "Regulation on Latvian Building code LBN 208-08 "Public buildings and structures" and Regulation No.102 "Regulation on Latvian Building code LBN 211-08 "Multi-storey Multi-apartment Residential Buildings" that include requirements of ensuring physical accessibility for persons with disabilities. In Regulation No.567 the chapter "Accessibility in public buildings for people with disabilities" provides ensuring requirements of physical accessibility in public buildings. In Regulation No.102 the chapter "Requirements of comfort for disabled persons" provides requirements of physical accessibility in residential buildings, if there are anticipated apartments for families having disabled people with movement impairments

Since July 15th 2007 the public transport field has been regulated by "The Law on Public Transportation Services" and consequent regulations of the Cabinet of Ministers. The goal of this law is to ensure the availability of public transportation services to local residents. Regulations of the Cabinet of Ministers "Regulations on the Order of Registration of the Bus Stations, Obligatory Services Provided by the Bus Stations and the Order, How Buses Arrive and Stop in the Territory of the Bus Station" provide that hereinafter services rendered by the bus station will be accessible to all visitors of the bus station and adjusted to disabled persons. Procedures for the provision and use of public transportation services are determined in the Regulations "The order of provision and utilization of public transport services" which determine that all information in a bus about bus stop place shall be accessible in visual form and carried in audio form. Categories of passengers who have the right to pay lower fees for public transportation services provided along basic routes in a network of routes, as well as procedures for the procedure of paying lower fees and the amount by which the said fees are to be lowered are determined in the Regulation "Categories of passengers who have the right to pay lower fees for public transportation services provided along basic routes in a network of routes".

The national standard LVS 448:2008 "Railway applications. Passenger platforms for 1520 mm railway lines" lay down general requirements, which is harmonised with the EC decision 2008/164/EC of 21 December 2007, concerning the technical specification of interoperability relating to "persons with reduced mobility" in the trans-European conventional and high-speed rail system

In the field of aviation Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when **travelling by air** including European Civil Aviation Conference (ECAC) Doc 30 is applicable to the Republic of Latvia. Latvian Civil Aviation Agency exercises the supervising of application.

Referring to the EUR 1107/2006 art. 9.1 and ECAC doc no.30 – Part I – section 5, annex J 'Code of Good conduct in ground Handling for Persons with Reduced Mobility' stipulates that every European airport has to set quality standards for the passengers with reduced mobility assistance.

These standards has been set by the managing body of Riga International Airport (RIX) in cooperation with airport users and organisations representing disabled passengers and passengers with reduced mobility and are published on the website of the airport (<a href="www.riga-airport.com">www.riga-airport.com</a>).

Riga International Airport recognizes that every passenger with reduced mobility (PRM) has to be considered as a unique individual with varying individual needs and preferences. Riga International Airport is engaging itself to provide the PRM with a tailor made service in a respectful and dignified way, without discrimination and with an eye for maximum independency. RIX airport facilitates the PRM assistance in accordance to the level of service outlined in ECAC Doc 30 – Annex J – Code of Good conduct. RIX airport engages itself that all equipment for PRM assistance will be compliant with the recommendations of ECAC Doc 30 – Annex K. For the moment the airport plans to purchase new PRM equipment fully compliant with above mentioned recommendations within 2008

The infrastructure of the Riga International Airport has all necessary elements to meet needs of people with disabilities. In accordance with EUR 1107/2006 and ECAC Doc 30 – annex K, RIX airport is providing PRM staff and airport staff in direct contact with the traveling public with an appropriate training program accepted and certified by EK authorities. Within the training sessions of all staff members PRM staff and airport staff) special attention will be paid to disability awareness and disability equality. These topics are trained in cooperation with "SUSTENTO", a Latvian organization for the disabled.

Riga International Airport provides the passengers with reduced mobility with relevant information in adapted formats via a leaflet and the website of the airport. (www.riga-airport.com).

The Directive 2003/24, which amends Directive 98/18/EC on safety rules and standards for passenger ships engaged on domestic voyages, has been implemented by the Regulations of the Cabinet of Ministers No.145 "Regulations Regarding the Safety of Ro-Ro Passenger Ships and High-Speed Passenger Craft" adopted on 14 February 2006. The Directive includes specific requirements for persons with reduced mobility, in particular access to the ship, signs, messages relay systems, alarms and additional requirements, designed to ensure mobility on board ship. The issue of accessibility to new ships for international services Latvia as member state of the International Maritime Organisation should follow to the Recommendation on the Design and Operation of Passenger Ships to Respond to Elderly and Disabled Persons' Needs regulated by the International Maritime Organisation.

Special measures in relation to disabled persons are granted under the provisions of Chapter "Universal service" of the **Electronic Communications Law**. National regulatory authority (Public Utilities Commission (PUC)) promotes for end-users, including special social groups and especially disabled persons, the possibility to choose an electronic communications merchant, the electronic communications services, and electronic communications service tariffs. PUC may take a decision that the public telephone network operator shall perform special measures in order to ensure publicly accessible electronic communications services for disabled persons, including the State Fire-Fighting and Rescue Service, State police, emergency medical care, gas emergency and a comprehensive telephone directory service and a comprehensive subscriber directory, moreover such services shall be equivalent to those services, which are received by other end-users.

According to the **Postal Law** postal items containing printed matter and other carriers of information which are addressed to the blind are exempt from postal service charges. The Cabinet Regulations "On carriage of passengers by **taxis**" states requirement that carrier and passenger agree on special passengers needs at the time of taxi order.

The Cabinet regulations "On Procedure how Institutions Put Information into the **Internet**" provides that accessibility requirements, based on Web Content Accessibility Guidelines, elaborated by the World Wide Web Consortium, are to be taken into account.

The purpose of the **Information Society Services Law** is to ensure the free circulation of information society services in European Economic Area Member States.

The purpose of the **State Information Systems Law** is to ensure the accessibility and the quality of information provided by State and local government institutions in the State information systems.

The purpose of the **Freedom of Information Law** is to ensure that the public has access to information, which is at the disposal of institutions or which an institution in conformity with its competence has a duty to create. This Law determines uniform procedures by which private persons are entitled to obtain information from an institution and to utilise it.

According to the **Protection of the Rights of the Child Law**, the State shall ensure the rights and freedoms of all children without any discrimination – irrespective of race, nationality, gender, language, political party alliance, political or religious convictions, national, ethnic or social origin, place of residence in the State, property or health status, birth or other circumstances of the child, or of his or her parents, guardians, or family members. The Law determines that a child with physical or mental disabilities also has the right to everything that is necessary for the satisfaction of his or her special needs. Legal enactments regarding the rights of children whith disabilities provide the access to mainstreem schools. The State shall ensure that all children have equal rights and opportunities to acquire education commensurate to their ability. In addition, legal enactments on education determine the rights of children with disabilities to choose educational establishment to acquire education commensurate to their ability

The legal framework of the occupational safety and health protection system is set up by the **Labour Protection Law**. The Labour Protection Law transposes the requirements and principles of EU Framework Directive on safety and health at work.

As laid down in the **Support for Unemployed Persons and Persons Seeking Employment Law**, the State Employment Services (SES) is responsible for active labour market programmes including vocational training, retraining and upgrading of qualifications, temporary public works, activities on promotion of competitiveness and activities for disadvantaged groups.

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The assistance to a low-income persons is established in the Law on Assistance in Solving Apartment Matters, Law on Social Apartments and Social Residential Houses and in the Law on Residential Tenancy, for instance the Article 36<sup>1</sup> Categories of Tenants to Whom Assistance is Provided of the law on Residential Tenancy states that the local government shall provide assistance for a low-income tenant who has been evicted from a residential space (in the cases specified by this law <sup>19</sup>):

19 1. Article 28<sup>2</sup>, Paragraph one

The renter may terminate a rental contract, evicting a tenant together with his or her family members and other persons without provision of other residential space in the following cases:

<sup>1)</sup> if the tenant does not pay the rental payment for the residential space for more than three months, even though his or her opportunity to use the residential space in accordance with the rental contract and regulatory enactments was ensured; or

<sup>2)</sup> if the tenant does not pay for the basic services for more than three months, even though his or her opportunity to use the basic services in accordance with the rental contract and regulatory enactments was ensured.

- 1) if he or she has reached retirement age or is incapable of work due to disability; or
- 2) if he or she lives with and in whose care is at least one underage child, a person under guardianship or a low-income person who has reached retirement age, or a low-income person who is incapable of work due to disability.

The Law on Medical and Social Protection of Disabled Persons regulates the procedure of establishing disability and the procedure of rendering medical and social assistance to disabled persons, assistance in employment issues, the rights of disabled persons to receive material assistance and assistance in promoting their social integration.

The Medical Treatment Law. The purpose of this Law is to regulate public relationships in medical treatment in order to ensure qualified prophylaxis and diagnosis of diseases or injury, as well as qualified medical treatment and rehabilitation of patients. This law includes the chapter for mental ilness, where provides that persons with mental disorders and mental illness shall be ensured all the civil, political, economic and social rights provided for by law. Mental disorders or mental illness shall not be a basis for discrimination of an individual. Mentally ill persons have the right to receive medical assistance and care of a quality that conforms with accepted standards of general medicine.

The Regulations on Procedures for the Compensation of Expenditures for the Acquisition of Medicinal Products and Medicinal Devices Intended for Out-patient Medical Treatment.

The Regulations on Procedures for the Organization and Financing of Health Care.

The new **draft Law on Disability** has been adopted by the Parliament on first reading on January, 2008 (is expected to be passed by the Parliament during 2009). The goal of the new law is to avert or diminish the disability risk for persons with pre-disability health conditions (predictable disability) and to reduce consequences of disability. The law is based on a unified system for determination of disability with fully adopted International Classification of Functioning, Disability and Health (ICF). The law provides for introduction of the mandatory individual rehabilitation plans for persons with disability as well as persons with predictable disability. The law provides also to establish out of home service of a personal assistant (attendant) for the disabled persons with severe functional, mental or hearing impairments and support consultations to families with disabled children.

In autumn 2007, when European Commission reconciled and the Cabinet of Ministers approved State Strategic Frame Document (further-SSFD), which determines the strategy for adoption of EU funds for the planning period 2007-2013, several horizontal priorities have been posed in SSFD strategy, execution of which should be provided by implementing of EU co-financed Action Programs. Equal opportunities has been determined as one of the horizontal priorities. Considering the involving of Ministry of Welfare in equal opportunity policy making and the experience of coordination of horizontal aims in the preceding

### 2. Article 28<sup>3</sup>, Paragraph one

If the owner (renter) of a house has taken a decision to demolish the house, the renter may terminate a rental contract, providing the tenant and his or her family members with other equivalent residential space.

### 3. Article 28<sup>4</sup>, Paragraph two

If the owner (renter) of a house denationalised or returned to a lawful owner thereof, has taken a decision to perform capital repairs of the house and is unable to perform such repairs with the tenant residing in the house or using the relevant space, the renter may terminate a rental contract, providing the tenant and the members of his or her family with other equivalent residential space. The renter has such duty during the first seven years after the restoration of property rights, as well as if the residential house (residential space) is intended to be transformed into a non-residential house (non-residential space). In other cases, the relevant local government is entitled to provide the tenant and his or her family members with residential space in accordance with the procedures specified by the local governme

planning period, Ministry of Welfare has been delegated with responsibility of the coordination of Horizontal Priority Equal Opportunities (in area of gender equality, disability and aging) in EU fund planning period for 2007 - 2013

Starting from the March, 2008, the compliance with equal opportunity aspect (including disability) is ensured also through the Cabinet of Ministers Instruction for preparation of legal acts' annotations. The instruction requires that annotations of any legal act has to contain an ex-ante impact assessment on equal opportunity aspects (including disability).

An organisation APEIRONS (the organization of people with disabilities and their friends) already for many years has been working on promoting environment accessibility for persons with disabilities. "APEIRONS" developed a work group aiming to develop an environment accessibility system. After 2 years mutual work there has been done changes in legislation, prepared trained environment accessibility experts and printed necessary informative materials. All preconditions have been created in order to let environment accessibility norms to become as self-evident thing while building, reconstructing and repairing. In 2002 there were issued 10 booklets for designers and owners of buildings explaining the main principles of providing of accessibility. In 2004 was issued a handbook containing 4 draft standards on equipping of accessible environment and Tomare resolution on universal design principles. In 2005 was prepared a draft standard on accessible for blind people environment and in 2006 was issued a booklet on accessibility of rural environment. Apeirons has organized seminaries (about the accessibility of the environment for persons with disabilities and requirements of the accessibility of the environment in normative acts regarding design of buildings) for municipal architects and staff of municipalities of the largest cities in all districts of Latvia. In the area of accessibility of the environment there are trained social experts - persons with disabilities, engaged in all districts of Latvia. Municipalities are dealing successfully with the matters of environmental adjustment, where experts are engaged in regular job.

Since 2002 the Construction Law includes definition of environment accessibility and requirements for compulsory accessibility of environment. In order to popularize best solutions for environment accessibility at newly built and renovated buildings, in 2004 the Ministry of Economics of the Republic of Latvia and the NGO "Apeirons" have established a prize of the year "Golden Crutch". Many tenth of public and municipal buildings are nominated for this prize annually. The NGO "Apeirons" has elaborated and issued a catalogue on the places in Latvia that are accessible for the disabled persons that is particularly important for tourists both foreign and local. This catalogue shows different public objects in all regions of Latvia and gives credits (5 points evaluation system) according to the provided environment for the persons with various disabilities. The good example is the State joint company Road Traffic Safety Directorate (CSDD): Services of CSDD are freely available for persons with special needs. In previously renovated buildings important focus was drawn on places of rendering services ensuring accession to services for persons with limited mobility. Buildings are equipped with wheelchair access ramps, premises are without thresholds and there are doors with appropriate width for wheelchairs. CSDD staff repeatedly is communicated with persons with disabilities and their friends organization "Apeirons" in questions related with the environment accessibility. This kind of cooperation has been successful hitherto and all received information has used by projectsbureaus and in construction designs. CSDD has developed successful cooperation with "Apeirons" also by the working out information and education campaigns about road safety. Organization "Apeirons" members took part in campaigns by informing and educating in educational institutions. CSDD has received "Gold Crutches" from persons with disabilities and their friends' organization "Apeirons" for a most humanitarian solution for environment accessibility. Besides, CSDD also ensures exams for obtaining driving licence outside the CSDD premises and make it possible to get it in Rehabilitation centre of Republic of Latvia where trainings for drivers-persons with disabilities-are carried out in special fitted vehicles. First time theoretical and practical exam is for free for persons with disabilities, which are graduated driving school in this institution.

The new website <u>www.videspieejamiba.lv</u> has been recently created to inform the responsible authorities about the commonly accepted standards for ensuring accessibility and to ensure accessible information about accessibility issues in Latvia and abroad.

In October this 2008 "Apeirons" in cooperation with MICROSOFT LATVIA opened the first Centre for e-accessibility in Latvia, where persons with disabilities will be able to examine various products of supportive technologies, for instance, keyboards with different size and form, vertical mouse, cursor balls, touch sensitive monitors, etc. Users, employers, representatives from schools, social workers will be advised how to adapt computer for the individual needs of persons with disability.

In 2008 the Ministry of Welfare has developed the handbook "How to provide equal opportunities in the EU co-funded projects?" on specific activities that promote the environmental and information accessibility for persons with movement disability, persons with hearing disability, persons with visual disability and persons with intellectual disability. The handbook is developed specifically for the project promoters and project evaluators of European Social Fund, European Regional development fund and Cohesion Fund in planning period 2007.-2013. This handbook is available in Latvian, English and Russian. Starting from the 2nd quarter 2009 it is planned to involve experts who will go to the project (cofinanced by European Regional development fund or Cohesion Fund) implementation places and individually consult the staff of the projects. The consultation subject will be the implementation details on the environmental and information accessibility for persons with movement disability, persons with hearing disability, persons with visual disability and persons with intellectual disability if there are planned to built, renovate, reconstruct and arrange buildings, develop transport infrastructure, incl., roads, streets, public transport etc., use the information technologies or plan other activities within the project.

Basing on the best practices it is planned in 2011 to develop the guidelines that will explain how to implement the Building code (issued by Cabinet of Ministers) in the field of environmental accessibility for persons with movement disability, persons with hearing disability, persons with visual disability and persons with intellectual disability. These guidelines will be developed in cooperation with Ministry of Economy and NGOs involved in work with persons with disabilities.

In compliance with Regulations ,, The order of provision and utilization of **public transport services**" a procedure for organisation of the public transportation services is established. The Regulations assigns definite terms for adaptation of the vehicles of transportation involved in the provision of the public transportation services and the intensity of the running of the routes.

Environmental requirements established in the assignment of the planning architecture and referred to the Cabinet Regulations "General Building Regulations" are taken into consideration when designing and building the **state roads network**. According to the available information the aspects of the environmental accessibility in relation to the requirements according to which the roads are built, their engineering structures and technical means of road service organization are established in the following standards of Latvia:

- LVS 77, Road signs"
- LVS 85,,Road Markings"

- LVS 190-7, Regulations on the Design of One-Level Parking Places"
- LVS 190-8, Regulations on the Design of Bus Stops"
- LVS 190-10, Regulations on the Design of Pedestrian Crossings"
- LVS 370 "Road Traffic Control Equipment. Signal Heads".

The bus stops already built on the state roads which do not correspond to the environmental requirements and to the requirements of standard LVS 190-8:2004 2004 "Regulations on the Design of Bus Stops" are planned to be changed by the end of year 2015.

In the **railway** field since March 13th 2008 the national standard LVS 484-2008 "Railway Applications. Passenger Platforms for 1520 mm Railway Lines" has been approved and lays down general requirements, which are harmonised with the EC decision 2008/164/EC of 21 December 2007, concerning the technical specification of interoperability relating to "persons with reduced mobility" in the trans-European conventional and high-speed rail system. Standard requirements provide the upgrade of platforms height from 200 mm to 550 mm height from the rail surface.

Riga International **Airport** has set a quality standard based on Regulation (EC) No 1107/2006 and ECAC Doc 30 for airport operations. Also Latvian registered airlines are in the process of setting quality standards on their websites for disabled persons and persons with reduced mobility carriage.

Information Society Development Guidelines for 2006 - 2013 state that primary political objective of information society development is to create a knowledge-based economy and to improve the quality of life, to ensure that everybody can and will use the possibilities offered by ICT and content in order to achieve this objective.

In accordance with the task given by the Parliament to the Cabinet of Ministers (on 29 May 2008) and successive decision of the Cabinet (on 8 July 2008), the Ministry of Welfare is responsible for preparatory activities for the ratification of Convention. To execute this decision the interinstitutional taskforce has been established under the Ministry of Welfare on 18 July 2008. The taskforce involves representatives from all line ministries, the Ombudsman office, regional planning offices of local governments, social partners and NGOs. Currently the Ministry of Welfare aggregates information prepared by the representatives of the taskforce to elaborate the Activity plan for implementation of the Convention, which according to the Cabinet decision has to be submitted to the Cabinet till May 2009. The task force on working party has envisaged many activities to implement Article 9 of the Convention. Although the success in implementation of these activities in a great extent depends on resources available and situation in economy in general.

## 2. Legal capacity

Persons with disabilities in all spheres of life have rights on recognition of their legal capacity, except cases, when with judgement of general jurisdiction court the legal capacity is deprived and according to the procedure set in the legislation a trustee is assigned. The legislation of the Republic of Latvia currently provides both procedural and material legal acts that regulate in which cases the capacity to act of a person can be restricted by the judgement of the court and in which cases it can be renewed.

The Paragraph 1 of the Article 217 of the **Civil Law** (hereinafter – CL) states that trusteeship is established over persons found by a court to be lacking capacity to act due to mental illness or mental deficiency (Article 358). The Article 355 of CL states that Trustees of adults shall be appointed pursuant to judgment of a court, by the appropriate Orphan's court, which shall,

in the first place appoint as trustee, the spouse of the person to be placed under trusteeship or one of the nearest kin, as well as observe the last will instructions of such person who has left him or her an estate. The Article 356 of CL states that trusteeship for adults shall be subject to the relevant provisions regarding guardianship for minors, insofar as these provisions do not conflict with the following Articles. Special provisions covered between the Article 357 and 364 of CL regulate the trusteeship over the mentally ill<sup>20</sup>.

Chapter 33 of the Civil Procedure Law provides legal provisions declaring a person as lacking capacity to act and establishing trusteeships. To declare a person is lacking capacity to act it is necessary to submit an application to a court in which evidences confirming the mental illness or mental deficiency and evidences confirming the incapacity of such person is presented. A matter regarding the declaring of a person as lacking capacity to act and to establish a trusteeship shall be adjudicated by the court, with a representative of the Orphan's Court and a public prosecutor participating. The person in regard to whose lack of capacity to act the matter is being adjudicated shall be invited to the court sitting if his or her medical condition permits this. If a person, whom a court judgment has found to be lacking capacity to act, becomes healthy, the court pursuant to the application of the Orphan's Court or a public prosecutor may find this person as having capacity to act and terminate the trusteeship, adjudicating a matter regarding finding a person as having capacity to act, a court psychiatric expert-examination opinion is obligatory and, if necessary, a psychologist shall also be called.

There is some discontentment regarding insufficient legal capacity expressed from the side of NGOs of disabled people.

<sup>20</sup> Trusteeship of Mentally Ill

<sup>357.</sup> Persons who are mentally deficient but, nonetheless, do not lack the intellectual capacity for management of ordinary matters, may administer their own property and deal with it freely.

<sup>358.</sup> The mentally ill, who lack all or a large part of their mental capacity, shall be acknowledged as lacking the capacity to act and as legally incapable to represent themselves, administer their property and to deal with it, for which reasons trusteeship may be established for them.

<sup>359.</sup> Mental illness or mental deficiency is associated with legal consequences only when a person has been found by a court to be lacking the capacity to act due to mental illness or mental deficiency. Each family in which there is a mentally ill person, as well as members of each such family may notify the court regarding this according to the place of residence of the mentally ill person. Any other person who has proved his or her interest in the matter, as well as the prosecutor, may similarly notify.

<sup>360.</sup> If the court finds a person as lacking capacity to act due to mental illness or mental deficiency, it shall inform the Orphan's court of this, which, as necessary, shall appoint one or more trustees for the mentally ill person, to whom shall be entrusted the administration of his or her property and special care of his or her person, but without imposing on the trustees a duty to themselves tend to the mentally ill person.

<sup>361.</sup> The actions of a mentally ill person who is under trusteeship, particularly the alienation of his or her property, do not have legal effect. The same also applies to acts that he or she has committed in a condition of mental illness prior to the establishment of a trusteeship.

<sup>362.</sup> An act that a mentally ill person has committed during lucid intervals prior to the establishment of a trusteeship has legal effect and therefore legal transactions concluded during these intervals bind the person himself or herself, as well as other parties to the transaction.

**<sup>363.</sup>** A person, who bases any claims on the legal meaning and legal effect of such a transaction (Article 362), must prove that the mentally ill person, in making the transaction, in fact had done so during such a lucid interval.

<sup>364.</sup> If a court has found a mentally ill person as having recovered their health, i.e. as having the capacity to act, it shall direct the Orphan's court to release the trustees from their appointment after they have submitted an accounting and transferred the property which was under their administration to the person who has recovered his or her health.

Also the correspondence with the Ombudsman has taken place on issues related to capacity to act in material and procedural norms.

Considering the expressed suggestions related to the establishment of institute of partial incapacity to act, the Ministry of Justice plans to revise the legal provisions regulating the incapacity to act. The need for an institute of partial incapacity has been discussed in meetings with representatives from the Centre of resources for persons with mental disorders "Zelda". In some cases this organisation has participated in court to protect interests of such people.

### 3. Access to justice

According to the procedural legal acts in Latvia all persons can realize their rights via legal representative. The Article 216 of CL states that persons in need of protection shall be entrusted to the care of guardians and trustees who shall act on behalf of these persons. But according to the Paragraph 1 of the Article 217 of CL the trusteeship in its turn is established over persons found by a court to be lacking capacity to act due to mental illness or mental deficiency. Concerning the above-mentioned we would like to draw attention that normative acts do not provide that persons with disability mandatory participation in the legal procedure or proceedings.

Concerning the persons with physical disability accessibility to a court, according to the Cabinet of Ministers Regulation No.567 on Standard of Construction LBN 208-08 "Public buildings and structures" of 21 July 2008 the standard of construction LBN 208-08 "Public buildings and structures", that establishes demands for the projection of new public buildings and structures and the renovation and the reconstruction of existent public buildings, has been affirmed that contains the chapter Access to the public buildings for the persons with disabilities that establishes. At the same time we would like to draw attention to the fact that the Ministry of Justice currently works out the Standard on Court House and its Utilities and it is planned to establish that at least one parking space for the visitors of the Court should be provided for the persons with disabilities.

According to the Article 11, Paragraph 2 of the Criminal Procedure Law if a person who has a rights to a defence, a victim and his or her representative, a witness, specialist, expert, auditor, as well as other persons who a person directing the proceedings has involved in criminal proceedings does not speak the official language, such persons have the right to use the language that such persons understand during the performance of procedural actions, and to utilise the assistance of an interpreter free of charge, whose participation shall be ensured by the person directing the proceedings. In pre-trial proceedings, the investigating judge or court shall provide for the participation of an interpreter in the hearing of issues that fall within the jurisdiction of the investigating judge or court.

According to the statistics the first translation into sign language in the court took place on June 7, 2005, furthermore, the translation into sign language was used 4 times within 2005, 15 times in 2006, 16 times in 2007 and already 32 times in 2008.

Furthermore, in the Republic of Latvia there is established special foundation "Latvian Judicial Training Centre" that ensures the training process of judges, assistants of judges, court secretaries, heads of court chancelleries, court interpreters and court archivists of all courts. The study program of Latvian Judicial Training Centre annually covers such courses as "Communication skills" (2 lectures) or " Interrelation with clients, communication process" (1 lecture). We consider that these courses ensure the necessary skills, but in case of

necessity we can organize individual seminars on, for example, effective Access to justice to persons with disability.

### 4. Independent living

There are no precise statistical data about persons with disabilities in Latvia. According to aggregated information, at the end of 2008 there were about 120 000 persons with disabilities (including children), or about 5% of total population of Latvia:

About 6366, or 5%, live in institutions (5771 adults and 595 children). As for children, 226 of them (with mental and physical impairments until 4 years of age) live in child care centres, 231 (with severe mental disorders in the age from 4 to 18 years) live in children's social care institutions, 138 from 2 to 18 years live in orphanages – shelters, which provide a home to orphans and children deprived of parental care. Furthermore, 143 persons live in halfway houses (in halfway houses, people with metal disorders can acquire skills necessary for independent life.); 135 persons live in group houses for persons with mental disorders. When a person residing in a halfway house is ready for independent life, he/she moves to a group house. Group house is a separate apartment or house where persons with mental disorders are provided with individual support in addressing their social problems)

The rest of the persons (about 113 thousand) live in the community with their families or with other types of support.

As regards the deinstitutionalisation process, on 25 May 2006 amendments to the *Law on Social Services and Social Assistance* were adopted stipulating a new type of service – a halfway house. Residence in halfway houses is a transitional stage for people who live at special care centres, but also are capable to live independently outside them, receiving the necessary services at the day care centres and other municipal establishments. In halfway houses, people with metal disorders can acquire skills necessary for independent life. When a person residing in a halfway house is ready for independent life he/she moves to a group house. Halfway houses are developed within six existing social care homes for the mental disorders in Liepaja district, Daugavpils district, Jelgava and Riga district (Allaži and Ropaži), Rūja. Currently 161 clients have received halfway houses services.

### Day care centre

One of the most often provided alternative to institutional services is a day care centre service. Day care centre is an institution where social care and social rehabilitation services, development of social skills, education and leisure time activities are provided during daytime for persons with mental disorders, the disabled as well as persons who have reached the retirement age. There are day care centres providing services to different population groups. There are 93 day care centres operating in Latvia and services were provided for 17 445 persons. 13 day care centres operate in Latvia providing day care service to clients at the age of retirement (including persons with dementia), as well as 21 day care centres for persons with mental disorders and 4 day care centres for persons with physical impairments. Day care centres for persons with mental disorders receive state co-financing (state co-financing is foreseen for the first 4 years of operation of the centre, in further years all costs have to be financed by the municipality). All other day care centres are financed from the municipal budget. Unfortunately there is no separate statistics of the total number of disabled persons receiving services in day care centres

### **Group houses (apartment)**

Group house (apartment) is a separate apartment or house where persons with mental disorders are provided with individual support addressing their social problems. At the end of 2007 there were 10 group houses for persons with mental disorders financed from the municipal budget and 5 group houses with state co-financing. In 2007 group houses services were provided for 135 persons.

## Home care

If a person requires care at the place of residence and the family members living together with this person, due to old age, their state of health or employment, cannot ensure the care required, the person has the right to receive a social care service. In 2006 home care services were provided for 10612 persons, in 2007 – for 10851 persons in total (there is no specific statistics for persons with disabilities). Along with home care service the persons receive also other services – warm lunch at home. In 2007 warm lunch at home were provided for 808 persons (there is no specific statistics for persons with disabilities). In 2007 the "Safety button" service (ensuring the possibility to communicate with the emergency service 24 hour operator which if necessary summons ambulance or home emergency team to assist the person who is unable to cope with the current situation) was provided for 209 persons (there is no specific statistics for persons with disabilities).

### Health care

In Latvia, mental health care is financed from different sources, depending on the type of services provided. Long - term institutionalized care for mental health is organized and funded by the Ministry of Welfare and is provided in 33 social care homes. According to Requirements for Social Service Providers "a client shall be ensured with emergency medical assistance at any time of the day or night, registration with a family doctor and with health care appropriate for the needs of the client". It means that social care homes have to provide clients with consultation with family doctor and other specialists, prescription drugs and medical investigations. Long term care system in the state is developed at several levels. Along with control of service quality and improvement of service efficiency in social care institutions, the system is built in the state where types of social care alternative to institutions must be developed. In order to reduce the necessity of services in social care institutions, alternative social care services are developed in the state, which foresee to provide social care and social rehabilitation as much as possible closely to the place of person's residence. At the same time a particular attention is paid to development of complex of preventive measures that provides development of medical rehabilitation in hospitals and outpatient institutions, as well as establishment of rehabilitation system at the place of person's residence in municipalities. Wherewith the principle defined in legislation promotes the development of services alternative to institutions in municipalities. According to the Regulations of the Cabinet of Ministers "Procedures for the Organization and Financing of Health Care"- health care services at the place of residence are provided for patients' who have necessity for regular outpatient medical treatment but they do not have possibility to reach outpatient medical treatment institution because of medical indications.

As regards initiatives on measuring the quality of services and the impact on the quality of life, common requirements for all social service providers are in force since 2000 in Latvia. These requirements were elaborated as minimum standards and are developed on a regular basis. Development of register of social service providers is a significant step for improvement of quality of social services. The Social Service Board - state administration institution under supervision of the Ministry of Welfare - registers there those providers of social services which provide social care and social rehabilitation services and comply with requirements of social services providers defined in normative acts. Since 2004, the quality

control of minimum standards and services in the state is carried out by the Social Service Board. Besides, the Social Service Board participates also in implementation of state policy in the field of social services and social assistance and provides: public information on social services and its accessibility; supervision and improvement of quality of social services; develops and updates register of social service providers.

Quality assurance is also a public information and client involvement in the processes of social assistance rendering. The Social Service Board informs regularly the state residents on the possibilities to receive social services. There is a regular cooperation with social service offices of municipalities which provide a receipt of social services as much as possible close to the place of person's residence. A unified programme for assessment of social work quality for social work specialists of municipalities is developed in the state. The program is regarded as one of the resources in order to provide qualitative social care services for persons both at the place of residence and in institutions. An essential aspect in the implementation of quality control is a quality and succession of social work which is provided by involving professionals and increasing qualification of staff of long-term social care institutions. In the process of assessment and provision of social services, a principle of interinstitutional team work is applied. Coordination in social work is defined by the Law on Social Services and Social Assistance. For example, all the clients of social care institutions are registered by the primary health care physicians, in cooperation with them are developed programmes of social care and social rehabilitation corresponding to client needs. Wherewith in the team work with a client there are involved specialists from several spheres that promote the efficiency of social care and social rehabilitation activities of the client.

In order to coordinate more successfully the rendering of social services in municipalities, a post of social work coordinator is introduced in regions (districts) that allow local governments to use current resources rationally by providing social services to inhabitants.

## 5. Voting rights

The Saeima Election Law (Parliament Election Law), Law on European Parliament Elections, Law on National Referendum and Initiation of Legislation, Law on City Council, Local Council and Rural Municipality Council cover the following provisions:

- 1) if a physical disability prevents a voter from voting or signing the voters' list, a member of his/her family or some other trustworthy person shall make marks in the ballot paper in the voter's presence according to his/her instructions;
- 2) if any voter is unable to come to the polling station for health reasons, then on the basis of a written request filed by the voter or a person authorised by him/her and registered in a special journal, the polling station commission shall conduct voting by secret ballot at a place where the voter is located.

## 6. Monitoring mechanism

As regards implementation of Convention Article 33.2, all involved line ministries should be responsible for the implementation of their specific activities, according to sphere of competence and the Ministry of Welfare will coordinate this process as a focal point. Currently it is envisaged that the Ombudsman will be an independent institution to promote, protect and monitor implementation of the Convention. The respective provision has been included in the above mentioned draft Law On the Ratification of the Convention. Civil society shall be involved in the monitoring process through the regular meetings with persons' with disabilities representative organizations, organised every month by the Ministry

of Welfare. Such a practice, when NGOs have an opportunity to discuss all topical issues with representatives from the ministry and, if necessary, also with experts from other involved institutions, takes place on regular basis already from 2007. In order to facilitate cooperation among institutions and involve non-governmental organizations in decision making processes, in 1997 Ministry of Welfare established the National Council of Disability Affairs (NCDA). NCDA is an advisory institution that takes part in development and implementation of integration policy for disabled people. There are involved seven field ministers, Chairperson of the Latvian Association of Local and Regional Governments, The Ombudsman, Chairman of Public Utilities Commission, Director of Society Integration Foundation, President of Free Trade Union Confederation of Latvia and representatives from non-governmental organizations. NCDA can facilitate solution of some issues and thus, assist in policy monitoring and development process. Starting from 2009 the Ministry of Welfare report on progress in implementation Convention is in agenda of every NCDA meeting Latvia has not ratified Convention yet, therefore the reporting to the UN currently is not topical.

Data on general situation of people with disability, including their employment are essential to develop and justify a new policy action. To have such data, further steps to collect data are necessary. There are planned new initiatives in which Latvia has to participate:

- Eurostat has been working on a new project new household survey system (European Programme of Social Surveys (EPSS)) within which it is planned to have a survey European Disability and Social Integration Module (EDSIM) in 2012, which will be focusing on activity and participation of persons with disabilities or functional limitation regardless their age;
- in 2009 the Central Statistical Bureau (CSB) will have a Grant project to develop a linguistic version of the EDSIM module and to test it (both cognitive and field-testing). This module is being designed as a freestanding module that could be included to provide health information in non-health surveys;
- since 1995 CSB conducts Labour Force Survey (LFS) (every year). The survey is carried out by way of interviewing persons aged 15-74 years who are living within the household. The questionnaires contain relevant questions characterizing the activity of the population. The LFS provides information on the number of population including the economically active population broken down by various characteristics (sex, age, level of education attainment, place of residence). Every year the survey has an ad-hoc module with questions about certain theme. The ad-hoc module in 2011 will be on "employment of disabled people";
- Eurostat has developed a list of variables that has to be included in each household survey (*Core variables* 16 variables such as sex, age, country of birth, legal marital status etc.). According to the new Eurostat project (EPSS mentioned above), these variables have to be included in each household survey starting from 2010. One of these variables is "Self-declared labour status" and one of the possible responses is "permanently disabled". However, as mentioned it is self-declared status.

During 2004-2006 the National program "Provision of information and communication technologies in administrative institutions of the social services' system" has been realized. This program envisaged to ensure information and communication technologies in administrative institutions of the social services' system and to develop a unified database of disabled people, as well as make a net of database of technical aids and its technical provision. The State Medical Expertise Commission of Health and Capacity for Work (SMECHCW), involving the ERDF co-financing, started in 2004 the creation of the disability information system. To continue the development of the database of disabled people the

Ministry of Welfare in cooperation of the SMECHCW has submitted the project for further activities, which could be started from 2010. Under the framework of EU funds co-financing several activities ensuring the implementation of the new, on assessment of capacity for work, functional disorders and individual needs based, disability determination system, which would cover also aspects of disability prevention, are envisaged also for 2007-2013. After finishing project the Data base (the Invalidity informative system) will allow to obtain comprehensive statistical data covering in various aspects all persons with disability and also persons with pre-disability (predictable disability).

Currently statistical data about persons with disability cover multidimensional and multidisciplinary area of Convention only partially. Mostly these are data about number of persons receiving social insurance or social assistance support. It is not sufficient for monitoring the application of the Convention.

## 7. Empowerment of people with disabilities

NGOs' representing persons with disabilities has opportunity to participate in the process of policy planning as well as monitoring of implementation. During preparation of draft laws and regulations and developing amendments on existing legislation (for example, Policy Guidelines for Reduction of Disability and it's Consequences, draft law On Disability and its sub laws, the conformity assessment of national legal acts to the United Nation Convention) the NGOs have played the significant role and was deeply involved. Therefore such a fruitful cooperation will be continued further in the future.

As it is mentioned above, the ministry of Welfare (Social Inclusion Policy department, Unit of Equal Oportunities for Disabled) organise regular meetings with NGOs` representing persons with disabilities to discuss topical issues, news in disability policy area and to consult them, if needed.

### Lithuania

## 8. Accessibility

Discrimination on the grounds of disability in the area of protection of consumer rights is prohibited by the Republic of Lithuania Law on Equal Opportunities (Official Gazette, 2008, No. 76-2998).

According to Article 8 of this Law, following the principle of equal opportunities, sellers or manufacturers of goods and providers of services must, irrespective of consumers' gender, race, nationality, language, origin, social status, faith, beliefs, views, age, sexual orientation, disability, ethnicity or religion:

- 1) create equal conditions for all consumers to receive the same products, goods and services including provision with housing and apply the same payment and warranty conditions for the products, goods and services of the same value;
- 2) while providing information on or while advertising products, goods or services to consumers, ensure that such information does not convey humiliation or disdain, or restriction of rights or giving privileges on the grounds of gender, race, nationality, language, origin, social status, faith, beliefs, views, age, sexual orientation, disability, ethnicity or religion and that such information does not form a public attitude that an individual has an advantage or disadvantage compared to others on these grounds.

A number of institutions are involved in the system for social integration of the disabled which aims at ensuring that such persons are enabled to live independently and to take part in all spheres of life.

The requirements for providing a physical environment suitable for the disabled are implemented in the territorial planning and building design process and in the process of adapting public buildings, housing, public transport facilities and infrastructure, and information environment to the special needs of people with disabilities. The Ministry of Environment is responsible for the preparation of normative technical regulations for the adaptation of environment to the needs of the disabled and for the enforcement of such regulations.

It should be noted that the current legal framework governing the preparation of construction projects covers the issues of implementation of the social integration of the disabled so now attention should be focussed on the enforcement of the provisions of the legal acts.

All state and municipal authorities and institutions furnish the disabled persons, their family members and their legal representatives as well as specialists working in the field of social integration of the disabled with the information about the current and envisaged programmes on social integration, the services provided and the available financial assistance.

Article 34 of the Republic of Lithuania Law on Education establishes that access to education shall be ensured for persons with special needs by adapting the school environment and by providing special pedagogical, psychological and special assistance.

The Ministry of Communications has been charged with responsibility for implementing measures under the programmes on adaptation of public facilities falling within

the scope of competence of the ministry (bus stations, bus stops, railway stations, air ports, Klaipeda ferry facilities, post offices) to the needs of people with limited movement capacities (slopes, elevators, automated doors, modern passenger information system); relevant guidelines to communications services providers have been formulated).

It should be noted that measures to improve access to the environment for people with disabilities will be included in the new draft National Programme for Social Integration of People with Disabilities and its implementation measures.

## 9. Legal capacity

Disability does not constitute grounds for recognising limited capacity of an individual and for enabling the individual to use and to independently exercise at least part of his/her rights. It should be noted that Article 3.279 of the Civil Code of the Republic of Lithuania provides for cases where care can be established for a legally capable natural person who is not able to independently exercise his/her rights or perform his/her duties due to health condition, at such person's request. However, this legal provision is only applicable to persons with milder physical disabilities or other health disorders. The provision does not apply to persons with mental disorders or feeble-minded persons as feeble-mindedness and mental illnesses are specifically included as indications in the procedure for establishing full incapacity. An individual who has been recognised as fully incapable forfeits all the civil and civic rights that are normally exercised by adult persons.

Article 29(1) of the Constitution of the Republic of Lithuania establishes that all individuals are equal before the law, the court and other state authorities and officials. This constitutional provision has been elaborated in the Law on Equal Opportunities. The principle of equal rights for the disabled is also established in the Law on Social Integration of Disabled Persons – Article 3(1) of the Law states that people with disabilities have the same rights as any other member of the public. It should be noted that a violation of equal opportunities established in the Law on Equal Opportunities incurs administrative responsibility (under Article 41<sup>6</sup> of the Administrative Code).

As violations of the right of self-determination of persons with mental disabilities are quite frequent, the need to improve the legislation governing the restriction of civil capacity of natural persons has been identified having regard to the proper implementation of the UN Convention on the Rights of Disabled Persons. The amendments will include establishing of mental disability as grounds for recognising limited capacity or full incapacity of an individual and enabling the individual to use and to independently exercise the relevant rights. The law amending the Civil Code of the Republic of Lithuania has already been drafted.

The regulation of the limitation of civil capacity of a natural person has been discussed by an interinstitutional working group as part of the analysis of the national legal acts' compliance with the UN Convention on the Rights of Disabled Persons and the Optional Protocol thereto. The working group is comprised of representatives of ministries, other institutions and non-governmental organisations. NGOs have pointed out that although the Lithuanian laws provide for the recognising of limited capacity of an individual, this is limited to cases of abuse of alcohol, drugs or narcotic or toxic substances. In such cases care is imposed upon the individual.

Beyond the legislation, within the framework of drafting of the National Programme on Social Integration of Persons with Disabilities and the implementation measures, the

inclusion of measures aimed at building disabled persons' capacities to exercise their rights as subjects of law is being considered.

Furthermore, the Department of Disabled Persons' Affairs under the Ministry of Social Security and Labour, assisted by partners, organises seminars "Legal Aspects of Incapacity and Disability in Lithuania: Rights of and Opportunities for Disabled Persons" in four counties. The purpose of the seminar is to refresh responsible specialists' knowledge of the legal aspects of legal incapacity and incapacity-for-work and to promote sharing of experience among representatives of different institutions. At these seminars the practical and theoretical aspects of securing the rights of disabled persons are discussed and problems and potential solutions are identified. In-depth discussions will be devoted to issues of establishing incapacity of individuals and to related subjects. The seminars are designed for management and specialists of county governor's administrations, local authorities and institutions providing care and social services, associations and other organisations (local and national) for the protection of disabled persons' rights, disabled persons and their carers, specialists of labour exchanges. The seminars are delivered by qualified lawyers and specialists in establishing incapacity-for-work and legal incapacity.

### 3. Access to justice

Article 30(1) of the Constitution of the Republic of Lithuania establishes that any individual whose constitutional rights or freedoms have been infringed is entitled to bring a lawsuit. Each individual is guaranteed the right to file a lawsuit in order to defend his/her right or legitimate interest that has been infringed or is contested. Article 6(2) of the Code of Criminal Procedure states that justice is administered in criminal proceedings based on the principle that all persons are equal against the law and the court, irrespective of origin, social/property status, nationality, race, gender, education, language, religious or political views, type and nature of occupation, place of residence and other circumstances. Granting privileges or imposing restrictions on the grounds of any circumstances and personal qualities or social/property status of the individual is prohibited. Only the courts have the right to dispense justice in civil proceedings following the principle of persons' equality before the law and the court irrespective of gender, race, nationality, language, origin, social status, views and convictions, type and nature of occupation etc.

Furthermore, Article 6 of the Republic of Lithuania Law on Administrative Proceedings establishes that justice in administrative proceedings is only dispensed by the courts taking guidance from the principle of all individuals' equality before the law and the court irrespective of gender, race, nationality, language, origin, social status, faith, views or convictions, type and nature of occupation, place of residence and other circumstances. It should be noted that neither the said laws nor other laws governing the procedure for filing lawsuits, hearing cases, passing and execution of court decisions contain any provisions that could create opportunities for the discrimination of disabled persons.

Article 11 of the Republic of Lithuania Law on Social Integration of Disabled Persons states that the requirements for providing a physical environment suitable for the disabled shall be implemented in the territorial planning and building design process and by adapting public buildings, housing, public transport facilities and infrastructure, and information environment to the special needs of people with disabilities. Local authorities and owners/users of the facilities are responsible for the adaptation of the facilities to such special needs. The Ministry of Environment is responsible for the preparation of normative technical regulations for the adaptation of the environment to the needs of the disabled and for the enforcement of such regulations.

The court is responsible for the provision of interpretation for sign language just as for any other interpretation. The Code of Civil Procedure of the Republic of Lithuania contains a general provision (Article 11) to the effect that individuals who do not speak the official language are guaranteed the right to the interpretation services. The interpretation services are paid for from the state budget. This provision must be treated as a one having a broad meaning – the court must ensure interpretation for sign language or ensure by any other means that a disabled person can take part in the proceedings on a full-fledged basis. Such provision has also been established in Article 8 of the Code of Criminal Procedure of the Republic of Lithuania.

Furthermore, the following measures were implemented under the National Anti-Discrimination Programme for 2006-2008 approved by the Government of the Republic of Lithuania:

- a) training in the application of the international, EU and national legal acts that prohibit discrimination was provided to employers, police officers and officials of other public authorities:
- b) judges were trained in the application of international legal acts including the International Convention on the Elimination of All Forms of Racial Discrimination and relevant EU and national legislation that prohibits discrimination;
- c) attorneys-at-law were trained in the application of international legal acts including the International Convention on the Elimination of All Forms of Racial Discrimination and relevant EU and national legislation that prohibits discrimination.

The training was organised by the Ministry of Foreign Affairs, the Lithuanian Bar, the Ministry of Justice, the Equal Opportunities Ombudsman Service, the Ministry of Social Security and Labour, and the Ministry of Interior.

### 4. Independent living

The following data are available:

Persons with disabilities in care institutions in 2007		
	Institutions for old persons and persons with disabilities	Children's care institutions
Total number at end of the year	10,341	5,429
Persons with physical disabilities	1,688	89
Persons with mental disabilities	3,404	86
Persons with intellectual disabilities	2,188	964
Persons with severe disabilities	1,890	472

Government authorities - ministries - are responsible for the establishment of the legal framework and for the implementation of the policy for social integration of disabled persons

within the scope of their competence (health care, social security and labour, education and science, environment, communications, the economy, finance, internal affairs etc.). Higher territorial administrative units (county administrations) are responsible for the implementation of the policy in the areas of social security, education, culture, sports and health care and of state and regional programmes within their respective counties. Territorial administrative units (municipalities) are responsible for the provision of public administration services and public services (independent, statutory or contractual) to residents of the municipality including people with disabilities.

In 2006 the new Law on Social Services was adopted (Official Gazette, 2006, No. 17-589) which focuses attention on the assistance to families. The implementation of the provisions of this law aims at further strengthening of such social care services as comprehensive social care at home, short-term "reprieve" when a disabled or elderly person is temporarily accommodated at an institution etc. The purpose of such services is to help persons caring for disabled or old members of their families to coordinate family and work responsibilities. As regards the provision of social services, the law emphasises decentralisation of the services and bringing them closer to the individual, thus enhancing the functions of local authorities in the area of social services management.

Funding of day social care centres, homes of independent living and similar social service institutions for the disabled forms part of the objective of developing non-permanent social care services' infrastructure and is a priority in the use of the EU Structural Funds' assistance. 33 projects were funded by the ERDF in 2004 – 2006 (totalling LTL 53.7 million including funding of technical assistance for investment projects), including 23 projects on the development of non-permanent social care institutions intending to provide services to disabled persons. Over LTL 150 million of the ERDF funding will be earmarked for the development of non-permanent social care services in 2007 – 2013. The priorities include homes for independent living, day-care centres for people with mental disorders, short-term social care homes for disabled persons etc. The focus is on the development of institutions for 20 – 30 people. Along with the charging of municipalities with the responsibility for organising the provision of social services within their respective territories, funding for community social services organised by municipalities has been increased. Seeking to improve access to social care all over the country, from 1 January 2007 municipal budgets receive special-purpose grants from the state budget for different types of social care for persons with grave disabilities, for social care for families at risk etc.

All disabled persons can express their opinion, in their preferred form, about the selection of a social care institution as well as their wishes concerning service staff and people accommodated in the same room, and any issues/complaints raised are effectively responded to. This is provided for by the Social Care Standards approved by order of the Minister of Social Security and Labour No. A1-46 of 20 February 2008 (Official Gazette, 2008, Nr. 24-931). The Social Care Standards establish the principles and characteristics of the provision on social care as well as the mandatory social care quality requirements for social care institutions and families – carers of children. The Republic of Lithuania Law on Social Services states that all individuals, including persons with disabilities, are entitled to social services according to their needs. Persons with disabilities living at home, in their families receive social services in the form of comprehensive care coordinated with education and development, personal health care and special means of assistance, which helps to develop (or compensate for) the individual's capacities to be in charge of their personal/family life and to participate in the labour market.

At EU level, the quality of and access to services for disabled persons must be ensured and improved taking account of the changing environment; relevant measures must be taken to

ensure opportunities for such persons to fully participate in community life and to enjoy all the rights and freedoms equally with other people.

### 5. Voting rights

Article 33 of the Constitution of the Republic of Lithuania states that citizens have the right to take part in the government of the country both directly and through democratically elected representatives and it provides the right to be hired by the public service of the Republic of Lithuania on equal conditions. The right of petition is also guaranteed to citizens of Lithuania. The right to elect and to be elected established in Article 34 of the Constitution is restricted for citizens who have been recognised as *incapable* by the court. Article 35 provides for the citizens' right to form societies, political parties and political associations, provided that purposes and activities thereof are not contrary to the law. These constitutional provisions guarantee the right to take part in political and public life of the state also for the Lithuanian citizens with disabilities.

One of the main objectives advanced by the Republic of Lithuania Law on Social Integration of Disabled Persons is the adaptation of the environment to people with disabilities so that they are afforded opportunities and conditions, both in public and private life, for free movement, using public services, obtaining necessary information, communicating and in general taking part in all areas of public life.

In the year of elections the Chief Elections Commission of the Republic of Lithuania publishes special materials for persons with visual impairments using Braille code. The materials contain lists of the candidates of all the parties in the multi-mandate elections and guidelines for correct filling of the ballot.

The 2009 election to the European Parliament will be organised according to the provisions of legal acts, following the principle of equal opportunities for all disabled persons to vote and to participate in the country's political life.

### 6. Monitoring mechanism

The nomination of an institution and formation of a mechanism is being considered but no decision has been adopted as yet.

The resolution of the Government of the Republic of Lithuania No. 1540 of 18 December 2001 charges the Ministry of Foreign Affairs with the responsibility for coordinating the preparation of statements, reports and information under the UN conventions on the protection of human rights which Lithuania has acceded to; the Ministry is also obligated to present and submit to the UN Secretariat the most important information about the state. It is anticipated that upon ratification of the UN Convention on the Rights of Persons with Disabilities the Ministry of Social Security and Labour will assume responsibility for the organisation of the preparation of statements, reports and information thereunder.

The Equal Opportunities Division of the Ministry of Social Security and Labour (MSSL), acting within the scope of its competence, collects, systematises and analyses information about the implementation of the equal opportunities policy in Lithuania and abroad. The Department of the Disabled Persons' Affairs under the MSSL collects, on an annual basis, information and statistics related to disabled persons' social integration from state and local authorities and disabled persons' associations, systematises and summarises them and notifies the MSSL, state and local authorities and disabled persons' associations.

The Service for Establishing Disability and Ability-for-Work under the MSSL draws up statistical reports on disabled persons and submits them to the MSSL and the Department of

Statistics under the Government. The Service exchanges information with and collaborates with individual healthcare establishments, the National Labour Exchange under the MSSL, the State Social Insurance Fund Board under the MSSL, local authorities, state institutions and other organisations in accordance with the provisions of the Law on Legal Protection of Personal Data.

Other state institutions which will participate in the implementation of the UN Convention on the Rights of Disabled Persons upon its ratification will submit information, on a regular basis, to the MSSL for the preparation of reports on the progress of implementation of the Convention.

The rights of people with disabilities are defended and such people are represented by the associations of disabled persons. Decisions are adopted taking the opinions and experience of disabled persons into consideration. Responsible authorities agree on the drafts of the laws and other legal acts relevant to disabled persons with the disabled persons' associations.

The Public Relations Division of the Ministry of Social Security and Labour constantly prepares and updates information on the process of ratification of the Convention and the Optional Protocol. The information is presented to news agencies and published in the Ministry's website.

# 7. Empowerment of people with disabilities

Representatives of the disabled persons' organisations are involved in the consideration of the disabled persons' situation in Lithuania and in the decision-adoption process. The Council of the Disabled Persons' Affairs was established under the Ministry of Social Security and Labour in accordance with the Law on Social Integration of Disabled Persons. The Council is a collective body formed of representatives of state authorities and disabled persons' associations according to the principle of equal partnership; the members of the Council receive no remuneration. The members representing the disabled persons' organisations are delegated by the Lithuanian Union of Persons with Visual Impairment, the Lithuanian Society of Persons with Hearing Impairment, the Lithuanian Invalids Society, the Lithuanian Union of Persons with Disabilities, "Viltis" Association for Care for People with Intellectual Disorders, the Lithuanian Association for Care for People with Mental Disorders and the Paralympic Committee of Lithuania - one representative each: the president, or the vicepresident, or the chairman as the case may be. The members of the Council representing state institutions are delegated by the Ministry of Social Security and Labour, the Ministry of Health, the Ministry of Education and Science, the Ministry of Environment, the Ministry of Communications, the Ministry of Interior and the Ministry of the Economy – one representative each: vice-minister, ministerial secretary of state, ministerial secretary or department director as the case may be. The purpose of the Council is to examine the key issues of social integration of disabled persons and assist the Minister of Social Security and Labour and other Ministers in the implementation of the social integration policy meeting the needs of people with disabilities. Decisions by the Council are of advisory and recommendatory nature for the Minister of Social Security and Labour.

Decisions are adopted taking the opinions and experience of disabled persons into consideration. Responsible authorities agree on the drafts of the relevant laws and other legal acts with the disabled persons' associations.

Programmes on social integration of disabled persons initiated by the disabled persons' associations and state authorities are financed on tender basis according to the procedure established by the laws.

The Ministry of Social Security and Labour, the Service for Establishing Disability and Ability-for-Work under the MSSL and the Department of the Disabled Persons' Affairs under the MSSL hold regular meetings with the disabled persons' NGOs seeking closer cooperation, dissemination of information and resolution of current issues. At such meetings the most urgent problems related to the establishment of ability-for-work and disability, determination of the need for professional rehabilitation services, ensuring equal opportunities etc. are discussed.

## Luxembourg

### 1. Accessibility

Luxembourg the laws on goods, infrastructure and service accessibility are as follows:

- Law of 29 March 2001 on the accessibility of the places open to the public and the amended Grand-Ducal Regulation of 23 November 2001 on implementation of Articles 1 and 2 of the law of 29 March 2001 on the accessibility of the places open to the public.
- Law of 22 July 2008 concerning the accessibility of the places open to the public
  to disabled persons accompanied by assistance dogs and
  Grand-Ducal regulation of 19 December 2008 relating to the limitations to the
  access of disabled persons accompanied by dogs of assistance to the places open
  to the public.

A series of measures aim to guarantee in the medium and long term equal opportunities and the full participation in all from the citizens, including persons in situation of disability, while ensuring access to the services open to the public. These various measures are as follows:

- National accessibility concept and the label "Accessibility More"
- The Guide of the Standards which is a reference document on accessible construction and which claims to be explanatory in the law
- The label "EureWelcome" resulting from interregional collaboration supported by INTERREG
- ECA European concept for Accessibility
- ECA for Administrations

The question of accessibility is a constant concern in Luxembourg. Of the actions encouraging accessibility and awareness-raising tracks regularly in collaboration with several NGOs are.

# 1.1 What could or should be done (together) at the EU level?

• Exchanges of good practices, promotion of project in the context of the "DE for design",

# 2. Legal capacity

Disabled persons benefit from the same protective measures by the law as of other persons who would need.

In close co-operation with governmental authorities, two NGOs constituted themselves recently to support actively disabled persons in the exercise of their rights.

## 3. Access to justice

The accessibility of the places is governed by following legislation and the regulations:

- Law of 29 March 2001 on the accessibility of the places open to the public and its implementing regulation.
   Installations were carried out on the basis of the built environment including the courts, the administrations and the prisons.
- Law of 22 July 2008 concerning the accessibility of the places open to the public
  to disabled persons accompanied by assistance dogs and the Grand-Ducal
  regulation of 19 December 2008 relating to the limitations to the access of
  disabled persons accompanied by dogs of assistance to the places open to the
  public.

Natural persons, handicapped persons or not, whose resources are insufficient are entitled to a legal aid for the defense of their interests to the Grand Duchy of Luxembourg.

- Law of 18 August 1995 on the legal aid
- Grand-Ducal regulation of 18 September 1995 on the legal aid.

Article 190-2. of the penal Code (Law of 17 June 1987 concerning the removal of the assizes.) envisages the following supports: "If the accused is deaf-mute and cannot write, the President names automatically, in the interpreter's capacity, the person who is accustomed more to converse with him. If the accused referred to in this article can write, the clerk writes the questions or comments which are made to it; they are given to the accused, who gives his answers in writing. It is made reading of the all by the clerk. The same provisions apply to the deaf-mute witness."

Since 2006, the ERA (the academy of European law located in Trier) has been proposing seminars for the attention of the judges and lawyers on the directives/"anti-discriminatory" legislation. These seminars were organized under the Community action Programme of fight against discrimination and are currently so under the "Progress" programme.

## 4. Independent living-room

Life in family or in structurally separate building constitutes the rule for any person in situation of disability in as far as aid exists enabling it to compensate its individual needs for autonomous life. There are however no statistics coordinated in Luxembourg making it possible to specify the number of disabled people living in family or in an autonomous way. Information and consultation services are financed by the government to give specific aid or even support in administrative steps for the disabled person and/or its family.

At 31 December 2008, the services for disabled persons officially agreed with the ministry the family counted 662 beds occupied in accommodation services with a framework guaranteed 24/24h. As a general rule, these services function on the basis of the concept of

the "group of life" and welcome persons in situation of physical and/or mental disability. For years, the new admissions have been done on the basis of the effective need in the person's framework.

Finally services "of assistance at home" guarantee an assumption of responsibility/a specific or partial framework to disabled persons. The intensity of the assumption of responsibility is a function of the needs of the person. At 31 December 2008, 115 places were available in the autonomous or semi-autonomous houses of the services of assistance at home officially agreed with the Ministry the Family and of Integration.

For persons in situation of physical disability, dependence insurance organizes individualized assumptions of responsibility, technical aid and takes part in the financing of private house adaptations.

Over the last 10-15 years a scale project was undertaken at the level of the unit welcoming mental and/or natural disabled persons of the Neuropsychiatrique Centre of the state (CHNPE - Of Park). This process was finalized at the beginning of 2007 with the rehousing of a group of old disabled persons towards a newly built individual structure.

Regarding the development of alternative services, the ministry of family and of integration cofinances the services of assistance at home and information and consultation services for persons in situation of disability. Dependence insurance proposes aid and care for any person in situation of dependence and requiring an assumption of responsibility at the level of the essential acts of the life of more than 3.5 hours per week.

The law of 12 September 2003 concerning disabled persons guarantees an income specific to any seriously disabled person.

The services of activities of day propose a framework in day to any person in serious situation of disability or of polyhandicap. They ensure aid and care within the meaning of the amended law of 19 June 1998 on introduction of dependence insurance and give a socioteaching accompaniment by means of activities varied and adapted to the needs and individual expectations of the person in situation of disability. If the idea is to give to the person in situation of disability an activity structuring for the day, by the helping tangent this also involves supporting the informal. The law on dependence insurance provides for various helping measures for the informal. Also to be noted that numerous accommodation structures have respite beds making it possible to welcome in urgency and for more or less long periods persons in situation of disability when the family middle cannot ensure temporarily the person's framework. These service tenders are also profited for "holiday" stays in order to allow a helping rest the informal. This same tender exists for the elderly people where the integrated centers and the care houses give assumptions of responsibility temporary in "holiday beds".

Currently the ministry is working to the implementation of a new method of agreement between doctors and State organizations with the accommodation and activity services of day. The new convention model stipulates that organizations have to equip themselves with tools making it possible to check and improve the quality from the services constantly offered to disabled persons.

In addition, it specifies that any service has to draw up a socio-teaching accompaniment project personalized with the welcomed person. The process of establishment of the new convention will finish as soon as possible for 2011.

## 5. Voting rights

- The vote buildings have to be accessible.
- There exists in Luxembourg the possibility of voting by correspondence, but in accordance with the integration policy which encourages the participation of all, this possibility does not have to slow down the process aiming to make the environment accessible.
- In Luxembourg, the voters in situation of disability who want to achieve personally their right to vote to the electoral office where they are affected can be accompanied by a guide or by support.

Its existing measures will be continued during the elections in the European Parliament.

## 6. Monitoring mechanism

Luxembourg has not yet nominated year independent mechanism neither envisaged any the formats reporting because the ratification process is under way. The relevant services carry out the screening of existing Luxembourg legislation and analyze in which points it has to be adapted to be in conformity with the stipulations of the Convention of the UN.

Like same, the department of disabled persons of the Ministry the Family and of Integration is to develop a coherent strategy for the data collection and statistics in relation to the situation of disabled persons.

In addition, at present, a Working Party made up of official representatives, of persons in situation of disability and of representatives of organizations for disabled persons prepares an information and awareness-raising campaign on the U.N. convention.

## 7. Empowerment of people with disabilities

The higher Council of disabled persons is a national consultative body of the government and more particularly of the Minister for integration and of the family regarding the questions referring to persons in situation of disability. The law of 12 September 2003 and one Grand-Ducal regulation specify the composition and the missions of the Council. (cf. previous questions and 1st report)

Regular co-operation takes place with the organizations of and for disabled persons. This co-operation is to very variable geometries according to the questions to be treated.

The pillars of the policy for disabled persons are maintenance and the development of autonomy, social inclusion and the participation at all levels. An evaluation of the expectations and of the needs is carried out to the base of any action.

Wanting to solidify in only one type of approach would incorporate an imminent risk of inadequacy between the set aim, the means implemented and the actors concerned.

Non indexed tool "support for organizations" umbrella "federating a significant number of organizations

For two "federative" organizations have been benefiting from an agreement between doctors and State organizations with the state for information, consultation and training services. This involves ASBL Info-Disability occurrence and of the ASBL cooperation "Solidarität mit Hörgeschädigten" platform.

#### Malta

### 1. Accessibility

The Equal Opportunities (Persons with Disability) Act (EOA)(Cap. 413) makes it unlawful to discriminate against persons on the basis of their disability, specifically in areas related to: employment, education, access, housing and the provision of goods, facilities and services. In the case of insurance, discrimination is illegal unless such actions are based "on actuarial, or statistical data".

In the case of the access to the built environment, the Malta Environment and Planning Authority (MEPA) asks KNPD to vet development applications from the point of view of Access for All. This regulation applies in the case of buildings 'open to the public' and 'of major use'. Relevant permits are not issued unless KNPD gives a positive response. Eventually a small number of these applications are also referred by MEPA to KNPD so that it can also vet the building itself. These buildings are given a 'Compliance Certificate', which is necessary in order for the organisation to apply for utilities for these buildings, only if KNPD gives a positive response to such consultation.

KNPD has issued the "Access for All – Design Guidelines" which were circulated to all practising architects in Malta and are available on KNPD's website.

### 2. Legal capacity

Maltese Civil Code enables the Courts to "interdict", or "legally incapacitate", a disabled person and to appoint a legal guardian to support the person to exercise his/her legal obligations and entitlements. Such a legal guardian is answerable to the Court and has to submit a report on work carried out at the end of his/her term of guardianship, or when so requested by the Court. Congenitally deaf and blind persons are automatically considered as legally incapacitated, although in practise this provision of the law is not implemented.

Users' organisations feel that the support given to disabled persons in this respect is not flexible enough to cater for the varying needs of the persons concerned. The support is certainly not flexible, or comprehensive, as it concentrates almost exclusively on financial matters. Furthermore it is not sufficiently transparent as it lacks the provision of regular, periodic reviews. Users also totally disagree with the provision that congenitally deaf and blind persons are automatically considered as legally incapacitated. Finally, users are also asking for total review of the existing terminology used in this legislation.

At the moment Malta is considering the provision of trainings for professionals who could give legal support.

### 3. Access to justice

The Law Courts building in Valletta is physically accessible to all.

Sign language interpretation is provided on request at the Courts. Furthermore, through the Agenzija SAPPORT social work services may also be provided.

At present organising such training for judges, police, prison staff and other officials that might be involved in guaranteeing the access to justice is considered.

### 4. Independent living

The 2005 National Census included a question on impairments. KNPD with the National Statistics Office is conducting an analysis of the data collected. The report of this analysis is planned to be published by mid 2009. From this data, 23,848 persons reported that they have an impairment, which is 5.9% of the general population. Out of these, 2,808 (11.8% of the total number of persons who stated that they have an impairment) stated that they live in an "institutional household". The great majority of these 2,808 persons (78.5%) are 60 years old or older. It can be assumed that the remaining persons with disabilities (20,866 persons) live in the community with their families or with other types of support.

In 2001, the Maltese Government established the Agenzija SAPPORT with the aim of providing the necessary services enabling persons with disabilities (mainly people with an intellectual disability or high dependency needs) to continue living with their families, and, when this is no longer possible, to live in small community homes. This Agency now has a waiting list for both community support services and for disabled persons to live in a community home. People with a psychological impairment are provided with support services to live in the community. This service is made possible mainly through NGOs functioning with governmental support. But here too there is a waiting list. Within existing limited resources, all possible measures are being taken to ensure that disabled people are not institutionalised. However, there are no immediate plans to enable people presently living in institutions to be deinstitutionalised.

The Agenzija SAPPORT and various NGOs provide alternative services within their limited resources. Furthermore, a number of community services such as "Homehelp Care", "Telecare" and "Meals on Wheels" help disabled people to continue living within their community. The Housing Authority provides limited funding so that persons with disabilities can modify their houses so as to take into account their impairment needs. KNPD itself provides limited funding so that persons with disabilities can purchase equipment which helps them to live independently.

As regards what could be done at EU level, there should be dissemination of examples of good practices and more training opportunities.

## 5. Voting rights

Physical accessibility to polling stations has improved during the last few years, however the benefits of the new provision have not yet been properly measured. Accessibility to the voting documents has not improved except that blind persons have been provided with a perforated template to help them vote. Voting through electronic devices, or through the post, is not yet permissible. Persons with disability are not granted the possibility to vote with the support of a person of their choice. Personal assistance is provided only by voting officials who are on duty in the respective polling stations. No particular provisions are envisaged for the 2009 elections of the European Parliament.

## 6. Monitoring mechanism

Malta has not yet nominated an independent mechanism pursuant to Article 33.2 of the UN Convention, however it is envisaged that KNPD will be nominated this independent mechanism. By law, disability-related, civil society is represented on KNPD's board. Seven board members are appointed by the Prime Minister as individuals who best represent the interests of voluntary organisations working in the field of disability

## 7. Empowerment of people with disabilities

KNPD is the national, focal point within the Maltese Government working in this field. As already stated, seven members have to be appointed by the Prime Minister; these are people who in the Prime Minister's opinion best represent the voluntary organisations working in the field. It is the accepted procedure that five of these members are nominated by the Federation of Maltese Organisations Persons with Disability (FMOPD). Furthermore, half the board members must themselves disabled persons, or family members of persons with a mental disability. Either the chairperson, or the vice chairperson, must be a disabled person, or a family member of a person with a mental disability. More than half of the workforce of KNPD's secretariat is persons with disability themselves.

The KNPD has a comprehensive programme<sup>21</sup> of empowering persons with disability. KNPD organises regular awareness-raising campaigns with the direct participation of persons with disability and often with EU funding. These include an annual national conference and the Parliament of Persons with Disability. KNPD organises trainings for persons with disability to assume these roles and tasks, as well as disability studies and lectures, mainly for university students. These sessions always include the direct involvement of persons with disability, in both curriculum design as well as lecture-delivery. Disability Equality Training is also provided to public and private organisations and community groups. KNPD, on a regular basis, includes persons with disability when participating in activities organised at EU level (e.g. annual Conference organised to mark the European Day of Persons with Disability in December).

<sup>21</sup> This programme includes:

### (a) SPEAK OUT!

Training of Persons with Disability to take part in Disability Equality Training session

This consists of an annual residential training course which is delivered to different groups of disabled persons. One session focuses specifically on persons with an intellectual impairment. The training programme includes talks and activities by well-established local and foreign, disabled activists, sessions on leadership and communication skills and also the preparation of material (for example, powerpoint presentations) to be used during disability equality training sessions

#### (b) DISABILITY EQUALIY TRAINING (DET)

DET is delivered to various entities such as front-office employees in public and private companies and NGOs. As always, the training programmes all involves the active participation of persons with disabled persons themselves in both course development as well as course delivery.

### (c) DISABILITY STUDIES

These are lectures aimed at university undergraduates. They are intended to serve as a general introduction to Disability Issues and the differing effects which disabling barriers have upon individuals and society. Lectures aim to give students:

an introduction to key texts on disablement and the Social Model of Disability (the theoretical aspect),

a chance to exchange views with disabled activists (the experiential aspect) and

a final assessment which encourages them to critically examine their own and societies attitudes towards disablement and disabled people (the attitudinal aspect)

These lectures are designed and delivered chiefly by disabled persons themselves.

- (d) CONSULTATIVE GROUP OF PERSONS WITH AN INTELLECTUAL IMPAIRMENT
- KNPD has established a consultative group of persons with intellectual impairment to advise KNPD on all decisions taken at policy level.
- (e) KNPD KEY DOCUMENTS IN ALTERNATIVE MEDIA

In order to ensure effective participation of persons with disabilty and to truly empower them, KNPD has endeavoured to produce all its publications, in some cases in summary form, in different formats. These include versions in Maltese, English, Easy-to-Read format in Maltese, audio and Maltese Sign Language. Furthermore, all publications are also posted on KNPD's website (which is also accesible to all according to international access standards).

#### **Netherlands**

### 1. Accessibility

The Act on equal treatment on the ground handicap or chronic disease (Wgbh/cz) combats discrimination of persons with a disability in the fields education, labour, housing and public transport. The three domains first mentioned are in force or will be this year; the last domain will be in force after technical regulations will be published. Accessibility is an important issue in this act.

The Act on social support (Wmo) compels local authorities to promote participation of all citizens including persons with disabilities. Where (physical or social) inaccessibility's occur the authorities have to provide compensation. Domains include housing, mobility, leisure.

The <u>Building Code 2003 (Bouwbesluit)</u> rules usability (including accessibility) of new or renewed public buildings. The regulations cover functional requirements depending on the use of the building or parts of it

## Public transport

Several Acts rule the public transport system. Regulations for accessibility are part of these general acts. Due to lifetime cycle of buildings, buses, trains, trams, metro and ferries a stepwise approach to full accessibility is chosen.

Public passenger transport: contracts between national government and proprietors and managers of (bus) stops and railway stations to gradually improve accessibility and use on behalf of passengers with disabilities.

## Labour market

The Act on sheltered Workplaces (WSW) guarantees and effectuates right to employment for those who are only capable to work in an adapted environment. Under the WSW work aims to protect and to stimulate the capacity to work in order to work under regular conditions. The local authorities are concerned that as much indicated inhabitants as possible find jobs under adapted conditions. Besides several reintegration measures might be used.

### Media

A regulation based on the Media act (Mediawet) rules that starting 2011 95 % of the Dutch spoken programs of the national public broadcasting should be subtitled for persons with hearing impairments; programs of commercial broadcasting should be subtitled for 50 % of the Dutch spoken programs.

Most of the programs spoken in other languages are subtitled for the general public.

The Dutch Normalisation Institute develops standards in the field of accessibility.

Special attention is paid to implementing the ISO/CEN-Guide on design for all.

## Guidelines for layout and design of governmental buildings

In general buildings in use by the government will be accessibility according to the standards of the International Accessibility Symbol.

The <u>hallmark living</u> (Keurmerk Wonen) gives guidelines of the layout of neighbourhoods (including accessibility like lowered kerbstones).

The <u>Handbook voor Toegankelijkheid</u> (Handbook on accessibility) gives instructions to designers on size and measurements for accessible buildings and public space outdoor (publ. by Misset in cooperation with user organizations)

<u>Guidelines on the construction and design</u> of specific buildings like schools, catering industry, shops. These guidelines give examples to implement the Building code as mentioned in 1.

<u>Voertuigenreglement</u> (as an implementation of directive 2001/85/EC) regulates accessibility of buses.

Several <u>Handbooks</u> governing voluntary adjustments in or on bus stops, taxis, walking routes and train-transport (the latter still in progress).

<u>Nota Basisstation</u> (memorandum railway stations) gives standards and guidelines for railway stations. It also contains standards on accessibility.

<u>Implementation Toegankelijkheid</u>: (implementation schedule on accessibility): schedule in which the accessibility of railway stations and trains will be improved.

<u>Guidelines on accessible internet sites</u> including accessibility.

The ministry of the interior and kingdom affairs integrated accessibility into basic guidelines used for public websites (<a href="www.webrichtlijnen.overheid.nl">www.webrichtlijnen.overheid.nl</a>)

A code on equal treatment in public transport on the basis of handicap or chronic disease is already in progress, independent of article 9. It will give voluntary agreements on bus stops a binding status. In such a way our policy is going to fulfil the requirements of the article in the UN- convention.

Accessibility of education is based on two pillars: access to the building and access to the curriculum. Physical accessibility is described in 1 as well as the general accessibility to the curriculum. Accessibility of the curriculum is based on a tailored selection from physical and non-physical accommodations. This selection is made just after the first visit to the school and is based on the demands of the child, the expertise of teachers, other children with a disability in the school and available support-providers. The outcome might be cooperation between schools or reference to an other school. Several regulations support the participation of pupils with a disability in education. Such regulations include the earlier mentioned building code, the provision of (technical) aids and a special budget for indicated pupils with a disability who attend regular education.

## 2. Legal capacity

## No information provided

### 3. Access to justice

## No information provided

# 4. Independent living

About persons with a disability not living in institutions, information is available in overviews like the reports on persons with a disability (SCP, biennial; 2008 the last) and NIVEL – reports on the basis of a panel of persons with a (physical or intellectual) disability. Recently a participation index was developed. Further information is based on incidental studies.

In the Netherlands there are about 100.000 to 150.000 persons with an intellectual disability. Roughly 40.000 live in institutions; a large part of them live in regular neighbourhoods with services provided by the institutions. The others live independently or supported by community or family based services.

The Act on social support (Wmo) urges local authorities to provide services and support to all citizens (including persons with a disability) in order to facilitate them to participate in society. One of the domains is independent living. This act is a precondition to participation in society. Besides this, persons with a disability have the choice to live in an institution or to be supported in an institutional setting.

The Act on social support provides also support to family carers. In general all social and health services are available to the general population, including persons with a disability. In some cases service providers are specialized in issues for persons with disabilities (dentists for persons with extreme fears, or with [mouth] motor disabilities) or general practitioners specialized in persons with cognitive impairments (some have their practice bound to institutions).

As regards initiatives on measuring the quality of services and the impact on the quality of life, the most important body is the Health Care Inspectorate.

## 5. Voting rights

Persons with physical disabilities are allowed to be assisted by a person of their choice in the polling booth if necessary. If their disability is such that they can not attend a polling station it is easy for them to vote by proxy. Also municipalities have to take care that as many polling stations as possible are thus situated and arranged that they are accessible for voters with physical disabilities.

In addition recently our law has been changed to grant the right to vote also to persons who are under a legal restraint for mental disabilities.

## 6. Monitoring mechanism

The Netherlands has not yet nominated an independent mechanism pursuant to Article 33.2 of the UN Convention; however progress is made to establish a national human rights institute. This institute shall probably also be charged with the same tasks for persons with disabilities as it is for other groups.

No special formats for the reporting to the UN have been envisaged yet; however specific reports are published to compare the participation of persons with a disability with other

citizens. Many surveys pay attention to disabilities of persons. Results are presented broken down for (groups of) persons with disabilities and domains, i.e. education Recently NIVEL developed a participation index to monitor the development of the participation of persons with a disability over time. The effects of the Act on social support are studied. The aim of this act is the participation of all citizens, including persons with a disability

Several formal advisory bodies exist in which civil society participates. In most cases the advice of these bodies are based on consensus. These bodies advise on major subjects. In specific cases civil society might be consulted in the process of the development of indicators. In the policy process civil society might be consulted or asked for advice depending on the subject. Civil society publish advises on relevant subjects.

## 7. Empowerment of people with disabilities

User organizations advise the national government invited and uninvited on issues relevant for persons with a disability. Many ministries consult user organizations on a regular basis; others occasionally. A platform of user organizations and service providers is facilitated leading to engagements for better services or advises to ministries.

These user organisations are partly financed by government aiming the empowerment of members. Special attention is paid to information and to advise to the members and to authorities about issues relevant to the disability or disease. Furthermore projects (usually undertaken by user organisations) are subsidized to strengthen the position of people with disabilities and elderly people in the systems of (health) care and social support; to extend their possibilities to rule their own lives and the possibilities to participate in society. The cooperation between relevant organisations for empowerment is stimulated.

In preparing policy measures on education which regards them the standard procedure includes discussing these measures with organizations of persons with a disability and their parents. Furthermore, in the field of education funding is available to for special (information) campaigns

On local level, the authorities are legally obliged to install an advisory structure for citizens including clients in the domains of labour and social support. Furthermore, platforms of persons with a disability advise local authorities, shopkeepers' associations, service providers on issues relevant for persons with a disability or elder persons on the local or regional level. These platforms are supported by a nationwide program aiming empowerment of persons with a disability (VCP)

A Taskforce (chaired by an ex-senator) encourages closed and public debates on a local level by translating the demands of persons with a disability into policy items and vice versa. These debates lead to awareness that general issues have consequences for persons with a disability as well.

In the framework of the program Passend Onderwijs (suited education for each child) the rights of parents and their organizations are strengthened in order to participate in the process leading to adequate education on the regional level.

#### **Poland**

### 1. Accessibility

Legal obligations and rules on accessibility for persons with disabilities concern mainly built environment and various services.

The Act on Spatial Planning and Management and the Act - Law on Construction introduced the obligation to consider the needs of persons with disabilities in new construction projects, but also when modernizing existing buildings and other constructions of public use (that includes also buildings of collective residence) and multi-family dwelling-houses.

Moreover, technical standards that buildings and related installations (including parking lots) should fulfil are set out in the regulation implementing the Act – Law on Construction in force since 1995. These standards are to be applied when planning, building or remodelling.

Other technical and building provisions (included in various regulations implementing the Act - Law on Construction) concerning public roads, road engineering facilities, railway structures and railway crossings with public roads, as well as the location thereof, ensure that they are accessible for disabled persons.

The requirements on accessibility must be observed while designing and building any given structure and related building facilities, as well as in the course of their reconstruction, extension, rebuilding and repairs covered with the building permit obligation.

Sports facilities have to be accessible to disabled persons according to the Act on Physical Culture (necessary adaptations should be made at the moment of building or modernizing the facility), which ensures the full implementation of the right of all citizens to exercise various forms of physical culture irrespective of *inter alia* disability.

Transport of persons and property is regulated by the Act – Transportation Law (except sea, air and horse transport), which provides that carriers are obliged to ensure proper conditions of safety and hygiene as well as comfort and due services for the users of transport services. Moreover, carriers should undertake actions facilitating the use of means of transport, clearance points, stops and platforms by disabled persons, including wheelchair users.

The Act - Telecommunications Law provides that telecommunications entrepreneurs are obliged to ensure disabled persons access to services of general access, also by providing the necessary facilities particularly for blind and dim-sighted persons, persons using hearing aids, deaf or dumb persons and wheelchair users.

The Act – Postal Law introduces an obligation for operators providing general access postal services to undertake adaptations enumerated in the Act, enabling persons with disabilities access to these services.

On 1 August 1997 the Sejm of the Republic of Poland adopted a Resolution – Charter of Rights of Persons with Disabilities, whereby it reiterates the rights conferred by the Constitution of the Republic of Poland, Convention on the Rights of the Child and the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities. This

document defines the rights of persons with disabilities to live a life that is independent, self-reliant, active and free from any aspects of discrimination. It provides a list of ten rights<sup>22</sup> pointing at the crucial areas where vigorous action needs to be taken by the Government and local authorities to carry into effect the rights of persons with disabilities.

In particular it calls for action to ensure access to goods and services allowing full participation in public life, school education, work conditions accommodated as necessary, life in environment free of functional barriers including access to public offices, polling stations, public utilities, use of means of transport at ease, access to information and communication.

These principles have been translated into law as described above. The public authorities, including self-government, as well as non-governmental organizations promote guidelines and standards on accessibility resulting from various international documents, for example from "The Riga Declaration of Ministers of 11 June 2006 on accessibility of web sites" or the Consolidated Resolution No 2001/3 of May 2001 of Ministers of Transport on road transport accessible for older and disabled people.

A number of universities establish their standards for actions enabling persons with various kinds of disability to study. Some activities in this area are financially supported by the State Fund for Rehabilitation of Persons with Disabilities (PFRON).

Other specific guidelines or voluntary standards on accessibility are established and used on the level of economic sector (for the use in the whole country) or regions.

The Polish Standard PN-EN ISO 9999:2007 concerning auxiliary appliances for persons with disabilities proposes classification for different articles used, *inter alia*, for personal hygiene and protection, personal mobility, housekeeping, furnishing home and home adaptation, communication and information, recreation etc. The compliance with these norms is, however, voluntary.

- 1. access to goods and services which enable them to fully participate in the social life
- 2. access to medical treatment and care, early diagnosis, medical rehabilitation and education
- 3. access to comprehensive rehabilitation aiming at social adaptation
- 4. education in integrated systems or in special schools or to education on an individual basis, if necessary
- 5. psychical and pedagogical assistance and other kind of specialized assistance enabling personal development
- 6. work on the open labour market or in an adjusted environment when such a requirement results from their disability
- 7. social security taking into account the necessity of bearing higher costs related to disability and taking these costs into account in the tax system
- 8. life in functional barrier-free environment, including:
  - access to public buildings
  - use of public transport
  - access to information
  - possibility of interpersonal communication
- 9. a self-governing representation and to consult draft legislation concerning people with disabilities
- 10. full participation in public, social, cultural, artistic and sports life as well as in recreation and tourism appropriately to individual needs and interest.

<sup>&</sup>lt;sup>22</sup> The list, included into the **Resolution – Charter of Rights of Persons with Disabilities,** mentions disabled persons' right to:

No decision has been taken about introducing national guidelines or voluntary standards on accessibility.

Article 9 of the UNC needs careful examination in order to establish a list of obligations resulting from. The possibility to comply with them will be further evaluated as they may introduce important financial burden especially for local authorities and private entrepreneurs.

## 2. Legal capacity

According to the Act of 23 April 1964 – the Civil Code, in case of a mental disease, mental deficiency or other psychical disorders, a person over the age of 13 may be fully incapacitated (if she/he is not able to manage her/his own conduct; Article 13 CC). A person over the age of 18 may also be partially incapacitated (if her/his state does not justify full incapacitation but assistance is needed to manage her/his affairs; Article 16 CC).

It results from these provisions that the disability in no case may be the sole ground for restriction of legal capacity. It is also to be noted that only enlisted specific kinds of disability may be the reason for restricting legal capacity, other disabilities do not give grounds for restricting legal capacity.

Guardianship shall be established for a fully incapacitated person, unless she/he is under the parental authority. Wardship (curatorship) shall be established for a partially incapacitated person.

A fully incapacitated person has no right to act at law, except for concluding everyday contracts (on minor issues of daily life) that can be effected with funds of low value. A partially incapacitated person has a restricted right to act at law. The approval of such an act by the ward is, in some cases, necessary for its validity. However a partially incapacitated person can sign an employment contract and dispose of his gain. If the employment contract encroaches the rights of a person, the ward may dissolve the contract.

Discussion on the issue of legal capacity of persons with disabilities started a few years ago. Some non-governmental organizations suggest eliminating the institution of incapacitation and replacing it with the institution of "supported decision-making" on the grounds of the provisions in force on a court-appointed guardian (curator), who may be established for a disabled person who needs assistance to manage her/his all affairs, affairs of a certain kind or only to handle a particular matter (Article 183 of the Act of 25 February 1964 – the Family and Guardianship Code). However no changes in legislation have been proposed yet.

Non-governmental organizations report also on cases of misuse of the institution of incapacitation, which deprives a person his rights. They claim that, for instance, in some cases the premiss of the decision of incapacitation is not the interest of a given person but the interest of other persons or institutions and the control of the acts of guards/wards is superficial and thus ineffective.

To enable persons with disabilities access to the support they may require in exercising their legal capacity, the following measures have been, inter alia, established:

1) Assistance of a court-appointed guardian (curator) - see also the information above

- 2) Community organizations (in Polish.: organizacje społeczne), including nongovernmental organizations representing the interests of persons with disabilities, are granted with special procedural rights in the Polish law:
- According to the Code of Civil Procedure, in cases regarding alimonies/maintenance claims and in cases regarding the protection of consumers, the community organizations whose statutory objectives include the protection of equal status and the principle of non-discrimination may, upon the consent of the citizens, institute actions on behalf of the citizens, and may, upon the consent of the claimant, join the proceedings at any stage thereof. Such organisations even if they do not participate in proceedings may present to the court an opinion which is essential to the case in the form of a resolution passed by their duly authorised bodies.
- By virtue of the provisions of the Code of Criminal Procedure, in judicial proceedings, prior to the commencement of the judicial examinations, a representative of a community organisation may petition the right to participate in the proceedings. It may take place if there is a need to protect a social interest or an important individual interest which lies within the scope of the statutory purposes of this organisation, especially in matters pertaining to the protection of human rights and freedoms. In the petition the community organisation shall designate a person who is to represent the organization. The representative should file his power of attorney in writing. The court shall admit a representative of the community organisation if it finds that his/her participation in the court proceedings will be in the interests of justice.
- According to the Administrative Procedure Code, in a case concerning an individual person, a community organization shall have the right to file a demand to initiate proceedings and to be admitted to participate in proceedings if the statutory objectives of that organization justify it and it is in the social interest. A state administration agency, acknowledging the demand of the community organization as well-founded, shall decide on initiating the proceedings ex officio, or on admitting the organization to participate in the proceedings. Denial to initiate proceedings or to admit the community organization to participation in the proceedings may be subjected to complaint. The community organization shall participate in proceedings enjoying all the rights of the party to the proceedings. Furthermore, a state administration agency, initiating the proceedings in a case concerning an individual person, shall notify a community organization of the proceedings if it decides that the organization can be interested in these proceedings on account of its statutory objectives and if it is in the social interest. A community organization even if it does not participate in the proceedings may, with the approval of a state administration agency, submit its opinion in the case, expressed in the resolution or in the declaration of its statutory body, to that agency.
- 3) Specialised counselling, in particular legal, provided, according to Article 46 of the Act of 12 March 2004 on Social Assistance, to persons having difficulties in solving their personal problems. Legal counselling covers providing information on family law, social security and protection of tenants.
- 4) Legal information and assistance provided according to professional standards by the Information Centres for Disabled Persons founded within a PFRON programme
- 5) Advice and information on rights and obligations provided by the Bureaus for Citizen's Advice to help individual persons solving problems concerning: housing, family affairs, social assistance, social security, employment, financial affairs, administration, consumer's protection, heritage, property. Bureaus are open for all; their advice is free of charge, independent and reliable.

No specific trainings for professionals who could give legal support for persons with disabilities have been held recently, but such trainings for advocates are planned for the year 2009.

Moreover, the problem of rights and needs of persons with disabilities is included in trainings dealing with discrimination on any ground.

## 3. Access to justice

The Polish law guarantees that special needs of persons with disabilities – participants of proceedings are taken into consideration in both criminal and civil proceedings. The Polish Code of Criminal Procedure provides that if an accused is deaf, dumb or blind or in case the court deems it indispensable, he/she must be provided with defence counsel.

By virtue of the provisions of the Code of Civil Procedure, the court shall provide the parties and participants in the proceedings who appear without being assisted by a barrister or a legal counsel with any guidance needed as regards actions in the legal proceedings. According to the Code, the statutory agent and the spouse of the person to be incapacitated, beside the applicant and the person to be incapacitated, must participate in the incapacitation proceedings. Moreover, organisations devoted to the support or protection of persons with disabilities have a right to petition to participate in every stage of such proceedings.

A guardianship court is empowered to appoint a guardian for a person with disability if he/she needs assistance to manage all of his/her affaires, affaires of a certain kind or only to handle a particular matter. Such a decision may be taken upon the request of the disabled or the aforementioned organisation upon the consent of the disabled. If the disabled is, due to his/her state, incapable of filling the said request or giving the said consent, a guardian can be appointed *ex officio*.

Physical accessibility of courts, law cabinets, administration and prisons should be provided according to the Act - Law on Construction and regulations on technical requirements for buildings, implementing the Act, as seats of such institutions are open to the public. All new buildings must be made accessible for persons with disabilities. Necessary adaptations are to be included in the building plans, the old buildings are made accessible within the framework of remodeling or repairs.

In the years 1994-2001 the Governmental Programme of Action in Favour of Persons with Disabilities was implemented in Poland, which offered financial support from the State Fund for Rehabilitation of Persons with Disabilities for elimination of technical barriers in public buildings. It enabled adjustment *inter alia* of various buildings administrated by the sector of justice.

In the recent years there have been various actions and investments carried out with a view to ensure persons with disabilities access to courts and prosecutor offices, as well as in penitentiary units<sup>23</sup>.

Courts and prosecutor offices

In the recent years there have been various actions and investments carried out with a view to ensure persons with disabilities access to courts and prosecutor offices.

The majority of courts and prosecutor offices have established websites where detailed information (including information on how a disabled person can obtain assistance in a court or a prosecutor office) and specimens of written statements used in proceedings may be found. Certain institutions have also launched telephone infolines for persons with disabilities.

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Additional information on actions taken to ensure physical accessibility of courts, law cabinets, administration, prisons and also adaptation of legal proceedings:

In the Polish law an interpreter of sign language has the status of a court expert as provided for in the regulation of the Minister of Justice of 2005 on court experts. A court can appoint an expert from lists of experts held by presidents of provincial courts. Such lists are transmitted to the Ministry of Justice and are made available to all the courts and prosecutor offices, which makes a broad exchange of information possible. Currently there are from none to nine experts on the list of every provincial court in the country.

In the recent years the Ministry of Justice has not received complaints either on the work of interpreters of sign language in proceedings or communications about too small number of such experts available to courts. This is linked with the fact that, when indispensable, a court is empowered to appoint for certain proceedings an expert whose name is not on any of the courts' lists ("an *ad hoc* expert"). Moreover, in every case, the president of a court may hold consultations with non-governmental organizations, state institutions or academic units etc. concerning finding and nominating experts who comply with certain requirements.

In Poland no specific trainings relating to legal support for persons with disabilities have been held recently. However, the problem of rights and needs of such persons is included in trainings for professionals dealing with discrimination on any ground.

The police training in Poland does not include a particular module regarding issues concerning persons with disabilities. These issues are, however, included in the curricula of basic police training course within the following subjects:

- professional ethics for policemen,
- human rights,
- antidiscrimination issues,

Buildings of many courts and prosecutor offices in Poland have been equipped with special devices tailored for the needs of disabled persons, i.e. visual alarm systems and elevators, some of which can be operated with buttons including Braille characters. The aim of various renovations was to adapt buildings of courts and prosecutor offices so that persons with disabilities could move inside those buildings unaided. Larger toilets were built, special balustrades and ramps installed, the doors widened and more spacious parking places created and reserved for disabled.

In order to facilitate the disabled persons receiving proper guidance, panels with information on where and how to receive special assistance and with electronic daily case lists were installed. Information stations for the disabled were created and placed near entrances of the buildings. In some courts and prosecutor offices secretariat and information stations employee(s) is (are) trained in sign language.

#### Penitentiary units

Similar investments have been carried out in penitentiary units. The process of the adaptation of correctional facilities and pre-trial detention centers for detainees with disabilities is going to be continued. Its efficiency depends on the funds possessed by the Penitentiary Service. An obstacle in some instances is the fact that some of the penitentiary buildings are considered monuments and are under the control of the conservator. These facts ought to be taken into consideration while assessing the improvements.

When needed and in the necessary scope, a special additional assistance for persons with disabilities is provided according to the regulations of the Minister of Justice relating to the execution of the penalty of deprivation of liberty and the execution of pre-trial detention and the ordinance of the Director General of the Penitentiary Service concerning obligations of penitentiary service personnel. The regulations provide that the director of an unit may make exceptions to the rules of execution of the penalty of deprivation of liberty and the pre-trial detention if it is indispensable due to the health of a detainee and on request or with the consent of a physician or a psychologist.

The ordinance stipulates that the penitentiary service is obliged to inform a person deprived of liberty about the possibility to apply for a certificate of disability and benefits resulting from such a certificate and to provide him/her with adequate support to exercise this right. Also financial aid from Post-Penitentiary Support Fund can be granted for such persons, for example on request of the detainee the costs of certificate or benefits proceedings may be covered by the Fund.

- interpersonal communication,
- traffic facilitation for persons with disabilities.

Furthermore, the specialized course for duty officers includes a module entitled: "Receiving a report", which provides general guidelines for improving quality of reception also in a context of disabilities.

## 4. Independent living

Information on the situation of persons with disabilities in Poland is available on the basis of statistical surveys conducted by the Central Statistical Office, such as National Census, the sample Health Interview Survey of the Population of Poland, cyclical Labour Force Surveys (LFS), Household Interview Surveys or surveys on income and living conditions of the population. Some results of the surveys are available in English (http://www.stat.gov.pl/gus/index ENG HTML.htm) Polish: or in (http://www.stat.gov.pl/gus/5342 PLK HTML.htm).

Information in this field is also available (in Polish) under the following links:

http://www.niepelnosprawni.gov.pl/niepelnosprawnosc-w-liczbach/

http://www.niepelnosprawni.gov.pl/niepelnosprawnosc-w-liczbach/infostat/

http://www.niepelnosprawni.gov.pl/niepelnosprawnosc-w-liczbach/tablice/

The last National Census was conducted in 2002 and provided *inter alia* data on the number of persons with disabilities living in households or outside them (i.e. in institutions of collective residence). The issue of the education of persons with disabilities is also systematically researched within the framework of the Polish public education statistics. Survey on participation of disabled persons in the educational system, from pre-school to university level, is conducted annually according to the form of education as well as to the type and degree of disability. The survey also addresses some other aspects of the situation of students with disabilities, e.g. using the scholarship system. The social assistance services register the number of various benefits provided for families with at least one disabled person in a given period of time. However, information on the number of persons with disabilities living in the community with their families or with other types of support or independently is not available.

There is no national programme concerning deinstitutionalisation. Such programmes may be implemented by self-government authorities who are responsible for organization and running of social assistance houses. In Poland mainly families provide disabled persons with support. Stay and services provided in social assistance houses are available for persons with severe and moderate disabilities (notably for persons with severe and moderate intellectual disabilities), who require twenty-four-hour attendance, cannot meet the demands of everyday life on their own and cannot be provided with the required assistance in the form of attendance services at their homes<sup>24</sup>.

Attendance services cover assistance in fulfilling everyday needs, hygienic care, nursing as recommended by the doctor, and, based on availability, providing contacts with the environment; specialised attendance services are services to meet special needs resulting from a specific type of disease or disability, provided by persons with specialised professional qualifications.

However, the system of alternative to residential institutions support is being continuously developed. Within the system of primary services of social assistance persons with disabilities and their families are the beneficiaries of, among others, the following benefits:

- social work.
- emergency intervention,
- specialised guidance and counselling, including family guidance for natural and foster families.
- provision of information on rights and entitlements,
- care, including specialised care, at the place of residence, also for persons with mental disorders,
- children's stay at day care and educational institutions, implementing e.g. psychocorrective, psycho-educational or rehabilitation programmes; such institutions also provide multi-aspectual support to parents of such children,
- organising and funding assistance at foster families, notably at specialised, professional foster families not related to the child, for children requiring continuous attendance and nursing,
- assistance in integration with the environment and financial assistance for becoming independent and continuation of education by persons who leave (notably after turning 18) institutions of care and education of a family or socialising type, social assistance houses for intellectually disabled children and youth, or special school residential institutions; provision of sheltered apartments for such persons<sup>25</sup>.
- paying contributions for retirement and disability insurance for a person who resigns from employment in connection with the necessity to provide direct personal care for long-term or severe ill members of his family and his separately living mother, father or brothers and sisters.

Within the system of family benefits, the following special and additional benefits for families with disabled children or for persons with disabilities are provided for:

- supplement to the family benefit for education and rehabilitation of a disabled child aged up to 24, to cover increased expenses on child rehabilitation and education (there is a possibility of increasing the statutory sum by the municipalities if they have the financial resources required to finance such increase);
- benefits for care, that is:

1) nursing allowance granted for partial funding of expenses resulting from the requirement to provide care and assistance of another person to a person in such need in connection with her/his inability to exist independently (also to all persons over 75 years of age):

2) nursing benefit in connection with resignation from or failure to take up employment or other type of gainful work resulting from the requirement to provide care to a child with disabilities (under the statutory defined conditions) or to other family member whose severe degree of disability has been legally confirmed.

Sheltered apartments are a form of social assistance designed to prepare the persons residing in such apartments, assisted by specialists, to lead an independent life, or designed to be a substitute for a stay at a twenty-hour-hour assistance institution. Sheltered apartments meet the conditions of independent existence in the environment and integration with the local community.

All people are entitled to health care services aimed at sustaining their health, prevention of diseases and injuries, ensuring early-stage detection of disease, treatment, nursing, prevention of disability and limitation of disabilities. Long-term attendance is provided in the area of health care or social assistance. Patients confined to their beds and chronically ill, who do not leave their homes and, due their health problems, require the provision of continuous nursing services, can be provided with such long-term nursing services at home.

Regulations in force provide for various discounts in public transport for the disabled as well as discounts for guides or assistants to blind persons or persons incapable of independent existence.

As regards initiatives on measuring the quality of services and the impact on the quality of life, they do not exist at national level. However, they probably exist at regional (in voivodships) and local level (in gminas and powiats), as regional administration authorities are obliged to evaluate status and effectiveness of social assistance, and self-government authorities should supervise social services and bodies to which they commission the implementation of tasks in the area of social assistance, providing subsidies for funding or co-funding of a specific task. Among these bodies may be:

- 1) non-governmental organisations,
- 2) legal persons or organisations operating on the basis of regulations on the relations between the State and the Catholic Church in the Republic of Poland, relations between the State and other religious denominations and regulations on freedom of conscience and religion, provided that their statutory objectives cover social assistance.

Concerning what could be done at EU level, the EU could enable exchange of information on existing national legal solutions and good practices.

## 5. Voting rights

A number of statutory provisions enable persons with disabilities to exercise their right to participate in national referendum and the right to vote in the presidential and parliamentarian elections as well as local elections. It means that:

- polling stations should be easily accessible for disabled persons; at least one polling station by gmina is to be made accessible (special technical adaptations are to be provided) and a disabled person may apply for inclusion to the register of voters for the chosen accessible polling station (in the gmina of his residence); the requirements for the polling stations adjusted to the needs of disabled voters have been set out in the Regulation of 31 July 2001 of the Minister of the Interior, issued by virtue of the Act of 12 April 2001 on Elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland; the obligation to provide polling stations adjusted to the needs of disabled voters concerns also elections to the European Parliament, as well as the national referendum;
- voter may benefit from the assistance of other citizen in exercising the right to vote; according to the electoral law (Article 69 of the Act of 12 April 2001 on Elections to the Sejm of the Republic of Poland and to the Senate of the Republic of Poland, which applies also to the national referendum; Article 54 of the Act 27 September 1990 on Election of the President of the Republic of Poland; Article 46 of the Act of 16 July 1998 concerning electoral law for elections to the bodies of self-government), a disabled voter, upon request, may be assisted in voting by another person, but who is not a member of an electoral commission or a poll observer authorized by the candidates in the election.

To improve enjoyment of the right to vote and enable seniors and persons with disabilities voting by an intermediary (a representative) in the elections to the European Parliament, relevant amendments to the Act concerning voting procedures in these elections were included into the Act adopted by the Polish Parliament on 12 February 2009 with the aim to introduce various changes also into two other Acts (i.e. into the Act concerning presidential election and the Act on national referendum). But this Act of 12 February 2009 did not come into force as some of its provisions were considered by the President of the Republic of Poland not being in compliance with the Polish Constitution and submitted by him to the consideration of the Polish Constitutional Tribunal.

# 6. Monitoring mechanism

In Poland an independent mechanism pursuant to Article 33.2 of the UN Convention will be nominated at the moment of ratifying the Convention. Poland has already well-established procedures for reporting on the application of different UN conventions concerning human rights and there is intention to follow them. Should there be a need for any adaptations they will be considered at a later stage.

The examination of the text of the Convention (which is now at a preliminary stage) may reveal the need for statistics that is not collected now. At that moment there is no particular observation on the need to collect additional statistics or develop indicators in view of monitoring the application of the Convention.

Involvement of civil society in the monitoring process has been not defined precisely yet. According to the Act on access to the public information any person has the right to request access to the documents produced by the public administration, and the administration is under obligation to provide documents at any stage of the procedure. The practice shows that such requests are made after the adoption of the report by the Council of Ministers.

### 7. Empowerment of people with disabilities

The representatives of people with disabilities are consulted within the framework of decision-making processes conducted with the participation of:

- the National Consultative Council for Disabled People (on the national level), which is an advisory body of the Government Plenipotentiary for Disabled People and acts as a platform of cooperation to the benefit of persons with disabilities between bodies of national administration, bodies of territorial self- government and non-governmental organisations. The scope of activities of the Council includes submission to the Plenipotentiary of proposals for actions aimed at meeting the needs of the disabled resulting from their disability, submission, on the Plenipotentiary's request, of opinions on the proposals of underlying principles of policy for employment, vocational and social rehabilitation of persons with disabilities and on legislative projects that can affect the situation of persons with disabilities as well as informing of the need to establish or change the regulations in this respect;
- the voluntary voivodship councils for persons with disabilities (on the regional level), which are consultative and advisory bodies serving the marshals of voivodships; their task is to inspire actions aimed at vocational and social rehabilitation of persons with disabilities and exercising the rights by persons with disabilities, to issue opinions on the voivodship programmes of action for the benefit of persons with disabilities and to evaluate their implementation as well as to consult draft resolutions and programmes

- prepared for adoption by the voivodship parliament from the perspective of their impact on persons with disabilities;
- the voluntary powiat councils for persons with disabilities (on the local level), which are consultative and advisory bodies serving the starostas; the scope of their activity is powiat-wide and their tasks are similar to those of the voivodship councils.

To involve people with disabilities and their representative organisations in the assessment of compliance of the Polish legislation and the Convention provisions, the "black paper on discrimination" was committed to elaborate by the Foundation "Regional Development Institute" and the Polish Disability Forum in 2008 in the frame of a project co-financed with the resources of the State Fund for Rehabilitation of Persons with Disabilities. This expertise entitled "Polish way do the Convention on the rights of persons with disabilities" has been already published. It may be useful for governmental administration to consider necessity of and prepare changes in legislation enabling implementation of the Convention.

Furthermore, consultative and participatory techniques are used to raise the awareness in terms of equal treatment and non-discrimination of persons with disabilities as well as incorporation of their needs in legislation and practical action. The application of such techniques results in the participation of the representatives of the disabled in the various evaluation and advisory bodies; promotion of integration of the disabled in the course of upbringing and education (starting from pre-school age); organizing of seminars and conferences, media campaigns, events and other actions in order to integrate persons with disabilities with the local community and to increase the awareness of the local self-government in terms of the needs of the disabled.

It should be also mentioned, that according to the Resolution of the Sejm of the Republic of Poland – Charter of the Rights of Persons with Disabilities, the Government Plenipotentiary for Disabled People annually presents to the Sejm information on actions undertaken by the Polish Government and local authorities to carry into effect the rights of persons with disabilities defined in the Resolution. It is followed by the Parliamentary debate on developments in increasing the opportunities of the disabled in the most important areas of life and on questions of avoiding and eliminating any kinds of discrimination due to disability.

## **Portugal**

### 1. Accessibility

General:

The Decree-Law 163/2006 of 8 August, defines the conditions for accessibility to meet the project and construction of public spaces, public facilities and public buildings and houses, and surrounding areas. NGOPD are entitled to participate in the judicial procedure related with the situations of non conformity with this law.

The Law No. 33/2008, of July 22 - Establishes measures to promote access to information on specific goods for sale to the public for people with visual impairments and provides custom monitoring and information system in Braille.

The Ministerial Resolution (RCM nº 9/2007) adopted the National Plan for the promotion of accessibility (PNPA) making the systematization of a set of measures to provide disabled or sensory impairment, autonomy, equal opportunities and social participation to which they are entitled as citizens. It incorporates a set of measures of physical accessibility in the built environment, transport and information and communication technologies (ICT) and supporting technologies (TA) to all citizens without exception, to provide disabled or sensory impairment, conditions to allow autonomy and mobility. This plan will take place in two periods: 1st 2010 and 2nd from 2011 to 2015.

The Action Plan for the Integration of Persons with Disabilities or Impairments (PAIPDI) was adopted by the Council of Ministers Resolution No 120/2006 of 21<sup>st</sup> September. Defines a set of measures of performance of various government departments as well as goals to achieve in the period 2006/2009 to create a society that ensures the effective participation of persons with disabilities.

The Portuguese Government approved the Decree-Law 163/2006, 8th August that establishes the technical norms of accessibility to all the public and collective equipments, public buildings and housing, this new law aims to be more effective than the previous one and reinforces the rules applicable to promote accessibility as well as the sanctions that apply to every one: public or private entity and the National Plan of Promotion of the Accessibility (NPPA) (Council of Ministers Resolution no 9/2007, 17th de January) that constitutes an instrument of measures which aim is the improvement of the quality of life of all the citizens and, in special, the realization of the rights of citizenship of the persons with special needs.

The intervention of the State in the promotion of accessibility results from National and International Laws.

The objective of The National Plan of Promotion of the Accessibility is to establish the bases for an integrated and coordinated politics of promotion of the accessibility in Portugal up to 2015.

Web:

On the other hand, by the Council of Ministers Resolution 155/2007, it was approved:

- 1 To determine that ways to organize and present websites of the Government and of central administration services and bodies shall be chosen so as to allow or facilitate the access thereto by citizens with especial needs, and shall conform to level "A" of web content accessibility guidelines developed by the World Wide Web Consortium (W3C).
- 2 To determine that websites of the Government and of central administration services and bodies that imply the electronic provision of transactional services shall conform to level "double-A" of web content accessibility guidelines developed by W3C.
- 3 To determine that websites of bodies referred to in paragraph 1 shall comply technically with provisions hereof, subject to adaptation, remodelling or new construction, within three months at the most;
- 4 To determine that Internet websites referred in paragraph 2 shall comply technically with provisions hereof, subject to adaptation, remodelling or new construction, within six months at the most.
- 5 To determine that websites created after this resolution has come into force ensure accessibility as provided for herein immediately.
- 6 To determine that it shall be incumbent upon the General-Secretariat of the Presidency of the Council of Ministers to develop the necessary information, clarification and monitoring action to guarantee compliance herewith, together with general-secretariats of ministries, which shall report thereto as regards the achievement of set goals.

Issues such as e-government and the technological modernization of public services are particularly important to the XVII Constitutional Government, which has been actively engaged in improving the quality, performance, accessibility and availability of online public services.

Technological modernization enhances opportunities for action of individuals and institutions, provides tools to promote citizenship and inclusion and constitutes a powerful factor for growth and economic success.

In this context, access to information and communication technologies and skills to use them, are distinguishing features of social opportunities of key importance nowadays. Information society technologies represent for all persons with especial needs (disabled and elderly people) the prime means towards inclusion and social participation.

These technologies may and should be at the same time a factor for social cohesion and for combating social exclusion.

It is thus important to ensure that the information made available by the Public Administration in the Internet is such as to be understood and searchable by citizens with especial needs.

In the scope of the ongoing technological modernization of public services, a pattern that guarantees not only minimum accessibility to content, according to guidelines defined by the W3C, but also accessibility to Internet websites that imply the electronic provision of transactional services, is required. For this purpose, it is provided that the design of Internet pages that imply the provision of transactional services to citizens conform to a higher pattern of accessibility, taking into account guidelines defined by W3C.

These measures form part of the I Action Plan for the Integration of the People with Disabilities or impairments (2006-2009), and also implements the National Accessibility Promotion Plan (PNPA) (were mentioned above both Plans).

The *System for the Attribution and Financing of Technical Subsidies* seeks to promote the elimination of social, physical, communication barriers amongst others that disabled people are confronted to in their daily life.

Accessibility Guides for Tourists have been published for people with reduced mobility, in Portuguese and English versions.

Under the Decree-Law 307/2003, 10 December, the *European parking card for people with disabilities* was approved. It grants the parking card to people whose disability leads to reduced mobility.

### **Transports**

In what concerns public transportation, a Railway Transport Cooperation Protocol has been signed between the INR,I.P., REFER and CP, the Portuguese Railway Company. This has introduced commitments for the phased elimination of obstacles in the trains with the introduction of ramps, lifting platforms, WC adaptations, sites reserved for wheel-chairs, signalling using sounds and sub-titles, and the acquisition in the future of new carriages with good accessibility.

The Tariff Reduction Two for One and Discounts aims at a Tariff Reduction for Disabled People and their families on long distance or inter-city trains excluding suburban trains. These agreements are characterised by a) guaranteeing that people with a disability of 80% or more may travel with a companion without the latter having to pay for a ticket; reduction for people with a disability of 60.0% or more so long as they are in a social exclusion risk situation offering a reduction in the price of their ticket (INR,I.P.).

The target: "Increase the number of trips on long distance or inter-city trains by 10% in order to guarantee the disabled person may travel with a companion".

There are specific visual, audible and sensory signs in public thoroughfares and in the transport infrastructure.

## Ombudsman for Railway Transport

In 2004, the status of the Ombudsman for Clients with Special Needs was created and set by the Portuguese Railway Company (CP).

This measure has, as its main goal, to assist CP so it may identify the necessary intervention areas with a view to improving accessibility and to support the company within its relationship with clients with disabilities.

### Assistance-dogs

The Decree-Law 74/2007, 27<sup>th</sup> March, consecrates the right of access of People with disabilities accompanied with an assistance-dog the places, transports and establishments of public access.

## Access of deaf people to public services

With regard to the access of deaf people to the Justice System, the Ministry of Justice, the National Institute for the rehabilitation and the Portuguese Federation of Associations for the

Deaf have signed an agreement which enables each deaf person, who has been asked to go to court or has the need to address any service within the Justice system, to be assisted and backed up by a Portuguese Sign Language Interpreter.

# Access of deaf people to television broadcasting

Act 31-A/98, from 14th, July, changed by the Act nr.8/2002, from 11th, February, states that the State must ensure that the broadcasting of the public television stations may be followed by deaf persons or by those with hearing disabilities.

Within this scope, one has witnessed an effort exerted by the four private and public Television Channels existing in Portugal, so that the majority of the television programmes in Portuguese are followed up by a Sign Language Interpretation Service or by a caption service on the screen through the Teletext System.

Additionally, a reference should be made to a Protocol signed in August 2003 between RTP and the two main terrestrial TV Portuguese private channels («SIC» and «TVI») and homologated by the Government, establishing an exchange of cooperation at different levels, including the support to people with hearing disabilities. Under the terms of such protocol:

- (a) private operators SIC and TVI commit themselves to broadcast a minimum of 2&1/2 hours per week of news and current affairs, educational, cultural or recreative programmes, with recourse to sign language, in a timetable set between 8 a.m. and 0.00 p.m.;
- (b) private operators SIC and TVI also commit themselves to broadcast fiction programmes or documentaries with subtitles through the use of teletext, with a minimum length of 5 hours a week (it shall be noted that, in some cases, recourse to subtitles does take into account the special needs of people with hearing disabilities, e.g., by means of include a transcription of sound effects);
- (c) PSB' RTP should double the minimum performances imposed to private operators.

The last report concerning the application of this Protocol points out to a positive evaluation on the accomplishment of the measures quoted, in the benefit of the specific people involved. In particular, private operators have made significant improvements, when recalling its initial standards in this area.

Under the terms of Article 7 of the Portuguese Television Law (Law 32/2003, published in 22 August 2003), «the State, public service concession holders and other television operators shall collaborate in the pursuit of values of human dignity, the rule of law, democratic society and national cohesion, and in the promotion of the Portuguese language and culture, taking into consideration the special needs of specific groups of viewers».

<u>Audio-description:</u> The Office of Audio-Description of Zon (a national cable TV service) was launched in partnership with Lusomundo channels (currently TVCine) in December 2004 and it now has more than 180 exhibitions of films. It is assumed as the first service to people with special needs by an operator of broadcast digital television nationally. To blind and low vision disabilities, this service is an additional narrative soundtrack for the movie or TV show.

## Cinematographic and Audiovisual Arts

Under the new Law no. 42/2004, of 18 of August (*Law of Cinematographic and Audiovisual Arts*), the State shall promote measures that ensure the access of people with

disabilities to cinematographic and audiovisual works (Chapter II; Section I; Art. 7 n. 4) and the granting of support shall pay due regard to the application of new technologies and of measures that ensure the access to the distribution, exhibition, dissemination and promotion of cinematographic and audiovisual works by people with disabilities (Chapter II; SectionII; Art. 12 n. 2).

All the measures described above are mandatory.

## 2. Legal capacity

Disability is not a ground for restriction of legal capacity However, there are, in certain types of disabilities, restrictions to the civil capacity concerning the exercise of some rights. Through the regimes of interdiction, people with disabilities keep their legal capacity, but they are represented by his/her legal representative or tutor in what concerns the exercise of some rights.

These issues have been discussed with the NGO's with the aim of changing the current legislation, in line with the new UN Convention. The National Institute for Rehabilitation already submitted a proposal to change the current legislation to the competent Government Representative, especially in light of users complains with regard to concepts and names that are still used and should be replaced, and the lack of participation of disabled people within the capabilities that still has a lack of adaptation / adjustment of the system to concrete situations of disability, extending the list of who may exercise the authority, including legal persons.

Consequently, the I Plan of Action for the Integration of Persons with Disabilities or Impairments provides one of the measures under paragraph 3.1 of the Strategy, "Protection and social solidarity" to "review the current legal regime of interdiction and inabilitation, upon approval and implementation of a new system of legal representation and related matters of major and minor at risk of failure to safeguard their legitimate interests and their rights and freedoms." The draft law has already been delivered to the custody and is awaiting further proceedings.

### 3. Access to justice

The Portuguese Government approved the Decree-Law 163/2006 of 8 August that establishes the technical norms of accessibility to all the public and collective equipments, public buildings and housing. This new law aims to be more effective than the previous one and reinforces the rules applicable to promote accessibility as well as the sanctions that apply to every one: public or private entity

Article 93 of the Code of Criminal Procedure stipulates that a deaf or mute, in all stages of judicial proceedings and regardless of the position of the person in question is named an interpreter of sign language, lip reading or writing as more appropriate to the situation of the person concerned, and the mute, can make up the questions orally, in writing. Otherwise, where defendant was appointing qualified interpreter. And the lack of interpreter implies the postponement of the diligence.

Law No. 78/2001 of 13 July and which regulates the organization, competence and functioning of the Peace Courts and the conduct of proceedings within its jurisdiction, in Article 38 determines the requirement for assistance of a lawyer when the part is blind, deaf, mute or if for any other reason, is in a position of manifest inferiority.

Article 141of the Code of Civil Procedure, with the amendment of Decree-Law No 183/2000 of 10 August, requires the participation of deaf, mute or deaf-mute, and without prejudice to the intervention of an interpreter suitable where the judge considers appropriate, where a deaf, mute or deaf-mute must give evidence, there are specific rules. And the judge should appoint qualified interpreters to deaf, the mute or the deaf-mute who does not know how to read or write.

# 4. Independent living

The available statistical data on the situation of people with disabilities in Portugal are still the ones from Census 2001. This study found that most of the people with disabilities in Portugal live in standard accommodation: 94.5%. The remaining population is divided between non-standard accommodation (1.0%) and collective households (4.5%). These proportions were virtually identical to those observed for the population without disabilities, with the difference that had a lower proportion of residents in public housing (0.8%) at the expense of traditional housing (98.4%). The coexistence of social support, with 3.2% of the total, was the main residence of persons with disabilities in public accommodations. Health Institutions constitute the accommodation for 0.7% of persons with disabilities to live in collective accommodation. Of the total population with disabilities, 4.4% was living in institutional households. This proportion was higher for women (5.8%) than for men (3.2%). It may be that the vast majority of people with disabilities living in institutional households were elderly.

The Action Plan for the Integration of Persons with Disabilities or Impairments provides, in one of the measures under paragraph 3.1 of the Strategy, "Protection and social solidarity", an "increase of 30% of home support service (DSS) for people with disabilities or impairments, in order to increase the response and qualification as a way of discouraging the institutionalization. The public Programme PARES, launched in 2007, financed independent residences for persons with disabilities. Furthermore, under the National Strategic Reference Framework (QREN) the project "Deinstitutionalization of children with disabilities" was approved, which is a study on the definition of recommendations and guidelines to protect the best interests of children with disabilities, prevent their institutionalization and promote its deinstitutionalization whenever possible.

As regards initiatives on measuring the quality of services and the impact on the quality of life, an application to the POPH/QREN has been submitted.

### 5. Voting rights

In Portugal, general right to vote is provided in the Constitution<sup>26</sup>. Specific rules on Inclusion of People with Disabilities are regulated in Article 71° CPR. However Electoral Law provides for exclusion based on mental disability<sup>27</sup>.

A person affected by illness or significant disability, provided that the material aspects of the personnel involved in exercise of the right to vote are fulfilled, votes accompanied by a citizen voters (not necessarily registered in the same assembly elections) by their own choice.

<sup>26</sup>Constitution: Article 10, section 1: "The people shall exercise political power through universal, equal, direct, secret and periodic suffrage, and through other forms laid down in this Constitution." Article 49, section 1 states "All citizens over the age of 18 years have the right to vote, unless subject to an incapacity under the general law." Article 50, section1 states: "All citizens have the right, equally and without restriction, to hold public office."

<sup>&</sup>lt;sup>27</sup> Disqualification from voting: insanity, inability to manage own affairs, deprivation of political rights

The accompanying citizen, whose registration as a voter must be verified before the table, to ensure the fidelity of expression of the votes and keep the person with absolute secrecy about the meaning of that vote.

If, however, the bureau decides that there is no awareness of the disease or physical disability, the voter must submit certificate attesting the failure of voting alone, issued by the doctor who performs powers of health authority in the municipality, duly authenticated by the seal of their service, but without the need for recognition of the signature. If the voter is not provided of the medical certificate, he/she may obtain it by applying to the health centre, which shall remain continuously open to the public on election day.

The doctor who falsely certifies the inability of sick or disabled commits an offence punishable by imprisonment or penalty.

Who accompany a blind or physically disabled to vote, and with intent, expressing its willingness unfaithful ("faithless agent" or "infidel companion," the expression of the various electoral laws) an unlawful practice, incurring in imprisonment or penalty.

Any member of the table or the lists of competitors who questions the decision of the table on the admissibility of the vote can carve protest about it, which is attached to the minutes.

## 6. Monitoring mechanism

Portugal has not yet nominated an independent mechanism pursuant to Article 33.2 of the UN Convention; neither special formats for the reporting to the UN have been envisaged. However, Portugal is having this discussion at a political level with NGO's on that matter. Furthermore, Portugal is carrying out a study to develop indicators in the disability field.

## 7. Empowerment of people with disabilities

Law 38/2004 ensures participation by people with disability or respective representative organisations, particularly in the drafting of legislation on disability, execution and evaluation of all policies mentioned in this law, so as to ensure their involvement in all situations of everyday life and society in general.

The involvement of the NGO's is also guaranteed through the National Council for the Rehabilitation and Integration of the People with Disabilities ("Conselho Nacional de Reabilitação e Integração das Pessoas com Deficiência" – CNRIPD), which is a consultative body of the Minister of Labour and Social Solidarity, and provides the Government with information used in deciding on matters related to the definition of the National Rehabilitation Policies. This body supports and includes representatives of all kinds of disabilities as well as social partners and public authorities. It issues opinions and presents proposals for measures related to the problems of rehabilitation and disability.

The State encourages and supports people with disabilities, their families and the Association Movement in all measures taken in regard to the prevention of disabilities and the rehabilitation and social integration of the people with disabilities.

The Portuguese Government also approved the first Action Plan for the Integration of the People with Disabilities or impairments (2006-2009), by the Resolution of Ministers no 120/2006, of 21st of September. This Plan defines the measures that will be adopted and implemented by the government in the different areas of general policy and is intended to promote a wide partnership between public and private entities, central, regional or local

administration, social partners, NGO's and civil society as well as people with disabilities. It aims to promote the improvement of the quality of life of the people with disabilities and to guarantee the access to a set of goods and services, available for the general society, allowing their full participation, through comprehensive policies and integrators' practices. The Plan conveys an innovative and multidisciplinary approach to the issues of inclusion and participation of people with disabilities focused on various actions associated to, accommodation, accessibilities, modern information and communication technologies, on the offer of cultural, sports and art practices, on the adjustment to education and lifelong learning, adaptability and employability of the workers in a view to social and tax protection.

It should be underlined the change of the Council of Minister regulation through the publication of the RCM n° 186/2005 in order to settle that the submission of new draft laws that may interfere on issues related to the inclusion or participation of people with disabilities has to be completed with an assessment of its impact on the policies related to the prevention, qualification, rehabilitation and participation of people with disabilities.

The support given by the State through the INR,I.P. to the NGO's has contributed to the development of their activities and the increase in the number of relevant projects that come under the objectives of the National Rehabilitation Policy.

In recent years the Association Movement has grown significantly and consolidated its form of acting. In some cases it has taken on an active role of claiming rights for the people with disabilities.

The dialogue between the State and the NGO's and the logistical and financial support that the latter have received, has contributed to encouraging the social role played by the Associations.

In doing so the Portuguese Government is adhering to both the principles contained in the Basic Law and to international recommendations for the participation of these people in the definition and concretisation of correct policies for the disabled population.

#### Romania

### 1. Accessibility

In December 2006 entered into force the new Law no. 448/2006 Regarding the Protection and Promotion of the Rights of Disabled Persons. The law has a chapter dedicated to accessibility: that foresees in view of ensuring the access of disabled persons to the physical, informational and communicational environment, the public authorities shall take the following specific measures:

- a) promotion and implementation of the Access for all concept, in order to prevent the creation of new barriers and the occurrence of new discrimination sources;
- **b)** support of the research, development and production of new information and communication technologies and assistive technologies;
- c) recommendation and support of the introduction in the initial background of pupils and students of courses regarding the handicap problem and their needs and the diversification of the modalities to achieve accessibility;
  - **d**) facilitation of the access of disabled persons to the new technologies;
  - e) assurance of access to the public information for disabled persons;
- **f)** assurance of authorized interpreters of the mimic and gesture language and of the language specific to deafblind persons;
- **g**) design and performance, in collaboration or partnership with legal, public or private persons, of programs for accessibility or for becoming aware of its importance.

## **Physical environment:**

- The public utility buildings, the ways of access, the dwelling buildings constructed from public funds, the common transportation means and their stations, the cabs, the railway transport wagons for the travelers and the platforms of the main stations, the parking spaces, the public streets and roads, the public telephones, the informational and communicational environment shall be adapted according to the legal provisions in the field, so as to allow the free access of disabled persons.
- The buildings in the patrimony and the historical buildings shall be adapted, observing the architectonic characteristics, according to the specific legal provisions.
- The authorities provided by law shall issue the building permit for the public utility buildings subject to the observance of the legal provisions in this field, so as to allow the free access of disabled persons.

## **Transport:**

- In order to facilitate the free access of disabled persons to transport and travel, until December 31, 2010, the local public administration authorities shall take measures for:
- a) the adaptation of all the common transportation means in circulation;
- **b)** the adaptation of all the stations of common transportation means according to the legal provisions, including the marking by tactile pavement of the access spaces to the entry door in the means of transport;
- **c**) the mounting of the bill boards corresponding to the needs of the persons with a visual and hearing handicap in public transportation means;
- **d**) the printing in capital letters and contrasting colors of the routes and numbers of the transportation means.
  - All the taxi operators shall ensure at least a car adapted to the transport of the disabled persons using the wheel chair.
  - The refusal of taxi drivers to ensure the transport of the disabled person and walking device shall be deemed as discrimination.

- adapting the pedestrian crossings on the public roads and streets according to the legal provisions, including the marking by tactile pavement;
- the mounting of visual and sound signaling systems at the intense traffic crossroads.
- The guide dog accompanying the person with a severe handicap shall have a free and free of charge access to all the public places and in the means of transport.
- The railway infrastructure administrators and the railway transport operators shall:
- a) adapt at least one wagon and the main train stations in order to allow the access of the disabled persons using the wheel chair;
- **b**) mark by a contrasting tactile pavement the ways to the embarking platforms, counters or other utilities.
  - In the parking spaces next to public utility buildings and in the organized ones, at least 4% of the total number of parking lots shall be adapted, reserved and signaled by an international sign, but not less than two lots, for the free of charge parking of the means of transport for disabled persons.
  - The disabled persons or the legal representatives thereof, upon request, may benefit from a card-permit for free parking lots. The vehicle transporting a disabled person owning a card-permit shall benefit from free of charge parking.
  - In the parking spaces of the public field and as close to the domicile as possible, their administrator shall distribute free of charge parking lots to the disabled persons who requested and need such parking.

### Communications and informational environment:

- Publication houses shall make available the electronic matrixes used for printing
  magazines and books to the authorized legal persons requesting them to transform
  them in a format accessible to the persons with sight or reading deficiencies,
  according to the copyright and related rights, as subsequently amended and
  supplemented.
- Public libraries shall establish sections with books in formats accessible to the persons with sight or reading deficiencies.
- Telephony operators shall:
- a) adapt at least one booth to a public telephone battery according to the legal provisions in force:
  - **b**) provide information on the cost of services in forms accessible to disabled persons.
    - Banking services operators shall make available to disabled persons at their request, account statements and other information in accessible formats.
    - The employees of the operators of banking and mail services shall assist in the filling in of forms, at the request of disabled persons
    - The owners of hotels spaces shall:
  - a) adapt at least one room for the housing of the disabled person using the wheel chair;
- **b**) mark by tactile pavement or carpets the entry, the reception desk and own the tactile map of the building;
  - c) mount elevators with tactile signs.
    - The local and central authorities and institutions shall ensure, for the direct relations with the persons with a hearing or deafblind handicap, authorized interpreters of the mimic and gesture language or of the specific language of the deafblind person.
    - The public local and central authorities and the private law or public local and central institutions shall provide information and documentation services accessible to disabled persons.

- The public relation services shall display and dispose of information accessible to the persons with a visual, hearing and mental handicap
- The public authorities shall take measures for:
- **a)** making accessible their own web pages, in view of improving the accessing of electronic documents by the persons with a sight and mental handicap;
  - **b**) the use of pictograms in all the public services;
  - c) the adaptation of telex and telefax telephones for the persons with a hearing handicap.
    - In the purchase of equipment and software, the public institutions shall take into account the observance of the accessibility criterion.

Romania has undertaken all necessary measures at national level for the implementation of Regulation (EC) No. 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when traveling by air.

Furthermore, the Norm 051/2001 for the adaptation of the civil buildings and the urban space to the demanding of the persons with handicap, was approved by the Order no 649/2001 of Minister of Public Works, Transport and Home.

## 2. Legal capacity

The Law no. 448/2006 Regarding the Protection and Promotion of the Rights of Disabled Persons stipulates:

- In case the disabled person, irrespective of his/her age, is in a total or partial impossibility to manage his/her personal assets, he/she shall benefit from legal protection in the form of trusteeship or guardianship and from legal assistance.
- In case the disabled person has no relatives or persons accepting the guardianship, the court may appoint as a tutor the local public administration authority or, as the case may be, the private legal person ensuring the protection and care of the disabled person.

Furthermore, in order to provide for access for persons with disabilities to the support they may require in exercising their legal capacity:

- Disabled persons shall benefit from protection against negligence and abuse, irrespective of the place where they are located
- The parent, the legal representative, the tutor, and the non-governmental organization whose member the disabled person is may assist him/her before the competent courts.
- The judgment of the cases having as their object the obtainment by the disabled persons of the rights provided by this law shall be made with celerity.
- The local and central authorities and institutions shall ensure, for the direct relations with the persons with a hearing or deafblind handicap, authorized interpreters of the mimic and gesture language or of the specific language of the deafblind person.
- The public local and central authorities and the private law or public local and central institutions shall provide information and documentation services accessible to disabled persons.

## 3. Access to justice

In Romania in view of ensuring the access of disabled persons to the physical, informational and communicational environment, the public authorities are taking specific measures, such as the promotion and implementation of the Access for all concept, in order to prevent the

creation of new barriers and the occurrence of new discrimination sources and the assurance of authorized interpreters of the mimic and gesture language and of the language specific to deafblind persons. The Law no. 448/2006 Regarding the Protection and Promotion of the Rights of Disabled Persons stipulates that the local and central authorities and institutions shall ensure, for the direct relations with the persons with a hearing or deafblind handicap, authorized interpreters of the mimic and gesture language or of the specific language of the deafblind person.

## 4. Independent living

**Disabled persons in public institutions** (on March 31st, 2009) **97%** (626,431 people) are in the care of families and / or live independently (not institutionalized) and **3%** (17,027 persons) are in public residential institutions managed by the National Authority for the Persons with Handicap

- The number of the adult disabled persons in residential institutions coordinated by NAPH is **17.027.**
- The number of residential institutions is **298** (85% of total), plus **53 non-residential** institutions / day care centres (15% of total).
- According to the location, the public units are:
  - 58% in urban areas
  - 42% in rural areas

# Disabled persons in public non-residential care:

Centre with occupational profile
Day Care Centre
Centre of Services for neurological recovery
Mobile team
Services Home
Centre for Psycho-social counseling for the disabled persons
Centre for recovery and social integration

The rights and facilities of the families of disabled persons (including children) are stipulated in the specific Law no.448/2006 Regarding the Protection and Promotion of the Rights of Disabled Persons

The families are supported in different areas:

### 1. Financial support:

- The families who take care of a child with **severe disability**/the adult **with severe disability** benefit from a monthly **indemnity** representing 33,3% from the minimum national salary and a **complementary personal budget** representing 15,1% from the minimum national salary
- The families who take care of a child with **accentuated disability** / the adult with **accentuated disability** benefit from a monthly **indemnity** representing 27,6% from the minimum national salary and a **complementary personal budget** representing 11,3% from the minimum national salary

- The families who take care of a child with **medium disability** / the adult with **medium disability** benefit from a monthly **complementary personal budget** representing 5,58% from the minimum national salary

The persons with a severe handicap shall have the right, based on the social and psychomedical evaluation, to a personal assistant; the parents of the child with a severe handicap may opt between a personal assistant and the receipt of a monthly indemnity in equal quantum with the minimum national salary.

### 2. Facilities:

- In the hospitals, sanatoriums and balneary resorts free accommodation and meal services, for the companion of the child/adult with a severe or accentuated handicap
- The companion of children/adults with severe and accentuated handicap shall benefit from free tickets on all the urban transportation lines with land common transportation means and the subway
- The family taking care of a child with a severe or accentuated handicap/the adult with a severe or accentuated handicap benefit from the borne interest to a credit (no more than 10 000 euro, for no more than 10 years) from the state budget, for the purchase of a single means of transport and for the adaptation of a dwelling according to the individual needs of access.
- The disabled persons holding cars adapted to the handicap, and the persons taking care of them shall benefit from exemption from the payment of the tariff for the use of national road networks
- The disabled child/adult and the person accompanying him/her shall benefit from free tickets to shows, museums, artistic and sportive manifestations

## The family who takes care of a child with disability has supplementary rights:

- Leaves and indemnities for rising the disabled child until child turns 3 years in equal quantum with the minimum national salary or 85% from the income realized in the past year of work
- Leaves and indemnities for rising the disabled child age comprised between 3 and 7 years old representing 75% from the minimum national salary
- A work program reduced to 4 hours for the parent taking care of the child with a severe or accentuated handicap, until the child turns 18 years old, at the parent's request
- Medical leaves at the parent's request until the child turns 18 years old

In Romania, the quality of services is being measured according to the methodology for monitoring the implementation and controlling the compliance of the Specific Quality Standards for Residential Centre, Day Care Centre and Protected Homes for adult persons with handicap, approved by Order 559/2008. The quality of services is being measured on annual basis.

### 5. Voting rights

The public utility buildings, the ways of access, the dwelling buildings constructed from public funds, the informational and communicational environment shall be adapted according

to the legal provisions in the field, so as to allow the free access of disabled persons. (Law no. 448/2006 Regarding the Protection and Promotion of the Rights of Disabled Persons

## 6. Monitoring mechanism

As Romania has not yet ratified the Convention, no monitoring mechanism has been established yet.

## 7. Empowerment of people with disabilities

The Non Governmental Organisations of Persons with disabilities are consulted regarding to all legislative measures for persons with disabilities

- In the activity related to the protection and promotion of the rights of disabled persons, the National Authority for Disabled Persons and the local and central public administration authorities maintain dialogue, collaboration and partnership relationships with the non-governmental organizations of the disabled persons or which represent their interests, and with the cult institutions recognized by law with activity in this field.
- The Council for the analysis of the problems of disabled persons, hereinafter the Council, with a consultative role shall be established attached to the National Authority for Disabled Persons, with the following membership:
- a) the president of the National Authority for Disabled Persons;
- b) the president of the National Council of Disability in Romania;
- c) one representative of the National Authority for the Protection of Child's Rights;
- d) one representative of the Ministry of Labor, Family and Equal Chances;
- e) one representative of the Ministry of Public Health;
- f) one representative of a non-governmental organization for the protection of human rights;
- g) one representative of each of the central and/or local public administration bodies, and of other private or public law bodies in the field, with a status of non-permanent members, according to the problems to be settled.
  - The Council shall have the following duties:
- a) to issue consultative endorsements regarding the bills having as their object the protection of disabled persons, initiated by the National Authority for Disabled Persons or by other competent authorities;
- b) to analyze the problem of the protection of disabled persons and to propose measures regarding the improvement of their living conditions;
  - c) to notify the competent bodies of the breach of the rights of disabled persons.
    - The Council shall meet in quarterly ordinary meetings, and in extraordinary meetings whenever necessary.
    - The members shall be called by the National Authority for Disabled Persons.
    - The meetings shall be held at the headquarters of the National Authority for Disabled Persons or in any other place it proposes.

The promotion and observance of the rights of disabled persons shall be, mainly, the duty of the local public administration authorities where the disabled person has his/her domicile or residence and, in subsidiary, and complementarily, of the central public administration authorities, civil society and the family or of the legal representative of the disabled person.

Based on the equal chances principle, the competent public authorities shall ensure the necessary financial resources and take specific measures so that the disabled persons have direct and unlimited access to services.

The National Authority for Disabled Persons and the other local and central public authorities shall ensure, as provided herein, the necessary conditions for the social integration and inclusion of disabled persons.

The National Authority for Disabled Persons shall draft policies and ensure the monitoring and control of the observance of disabled persons' rights.

The National Authority for Disabled Persons may conclude partnerships with non-governmental organizations of disabled persons, which represent their interests or perform activities in the field of promotion and defense of human rights.

#### Slovakia

## 1. Accessibility

Legislative rules, or obligations on accessibility of products, infrastructures and services

# Road Transport

- In the legislation regulating business in road transport MTPT SR pays special attention to selected groups of population. In Art. 7 (3) of the Act No 168/1996 Coll. on Road Transport, as amended (hereinafter "Act") it is provided that in the decision on granting of the transport licence for a regular bus line, the obligation to ensure transport of persons with disabilities may be imposed on the applicant.
- Furthermore the carrier preferentially accepts for transport a passenger with a seatreservation ticket and a passenger to whom a place is reserved in the bus according to the transport regulations, e.g. a person with disability or a visually impaired person.
- Article 14a of the Act deals with transport serviceability of the territory. Transport
  serviceability means the creation of a supply of transport outputs (services) in
  regular bus transport for satisfaction of transport needs of inhabitants living in the
  territory of a self-governing region or a commune, which corresponds to the
  demand of the passengers, as regards the frequency, timeliness and regularity of
  transport service, option of changing buses, distance to the bus stops, safety,
  equipment and cleanness of buses, special tariffs for pupils and students, persons
  with disabilities and pensioners, as well as access to information important for
  travelling.
- The existing transport infrastructure, supply of transport outputs in public passenger transport, land-use plans, interests of environmental protection and environmental engineering, as well as requirements for barrier-free access of persons with serious disabilities are also taken into account in its preparation.
- Persons with disabilities, visually impaired persons and underprivileged persons are thus provided with non-discriminatory access to the public passenger transport.

## Railway Transport

We are preparing a new Railways Act containing the provisions relating to the transport of disabled persons. The Act imposes on the carrier the obligation to enhance the travelling comfort and to provide supplementary services for passengers in railcars, at stations and halts, particularly the transport of persons whose mobility is decreased as result of their handicap or age, persons travelling with a child stroller and animals.

#### **Telecommunications**

Section 50 of the **Act No. 610 of 3rd December 2003 on Electronic Communications** (hereinafter only "Act on Electronic Communications") specifies the minimum set of services that are available in a specified quality in the whole territory of the state to all end-users regardless of their geographical location and at an affordable price. This set of services defined as **universal service** shall include the following obligations:

- a) to meet all reasonable requirements for provision of public telephone services at a fixed location of access to the network, including facsimile transmission of information and transmission of data at transmission rates allowing functional Internet access taking into account prevailing technologies used by the majority of users and technological feasibility,
- b) regular provision of at least one comprehensive telephone directory, whether printed or in electronic form, or in both forms according to the selection of subscriber, and its regular update at least once a year; the comprehensive telephone directory contains data on all published subscribers of public telephone services,
- c) provision of reasonable availability of public pay telephones,
- d) provision of free of charge and uninterrupted access to emergency call numbers, including the single European emergency call number "112", including access from public pay telephones without using any means of payment,
- e) provision and operation of at least one comprehensive telephone directory inquiry service,
- f) ensuring of access to publicly available telephone services for disabled users and appropriate availability of public pay telephones with barrier-free access and special equipment.

Measure of the Telecommunications Office of the Slovak Republic No. O-15/2007 of June 1, 2007 laying down particulars on providing public payphones and services for users with health disabilities was issued in accordance with the Act on Electronic Communications.

#### Postal Service

Universal Postal Service is ensured by the Act on Postal Services No. 507/2001 Cool. as amended, and also by Universal Postal Convention of the Universal Postal Union - Bucharest 2004, Article 7 Exemption from postal charges (letter-post items, postal parcels and postal financial services for prisoners of war and civilian internees and literature for blind).

The standards on universal postal service accessibility are a part of Postal Licence issued by the National regulatory Authority.

Guidelines, voluntary standards on accessibility

## **Road Transport**

• According to Art. 8 (1)(f) of the Act the carrier is obliged to create conditions allowing transport of persons with disabilities and visually impaired persons and to increase the transport comfort of old people and mothers with babies.

# Railway Transport

The rules stipulating the rights and obligations of carriers and passengers are transport regulations. The transport regulations contain the conditions of the carrier required for the conclusion of the contract on transport services and for performance of transport services; they do not deal with issues belonging to the schedule.

The transport of disabled persons is dealt with in Article 6.

## TRANSPORT OF PERSONS WITH SEVERE DISABILITIES USING A WHEELCHAIR

The carrier may transport an accompanied seriously disabled person who is reliant on a wheelchair, including his/her wheelchair, by trains containing special wagons with hydraulic lifts and a coupé for immobile persons, including adapted sanitary conveniences. These trains are marked in the transport regulations by the symbol of immobile person using a wheelchair. Two immobile persons using wheelchairs may be usually transported at the same time in a special wagon.

Depending on the mode of transport it is possible to agree, according to free capacity of the carrier, on transport in wagons that are not adapted for transport of immobile persons using wheelchairs.

In case of transport of immobile person using a wheelchair in these wagons the carrier is not obliged to ensure the loading and unloading of such person.

The carrier will perform the transport if the following conditions are met:

- The transport service will be ordered at least 48 hours before the planned transport time,
- The person will be accompanied by at least one person,
- The wheelchair will be equipped by a reliably functioning hand brake and belts for attachment in the wagon.

The acceptance of the order does not constitute the approval to the transport service. If transport service has not been approved in advance it may be refused on the part of the carrier.

Reduced fare rates are contained in the Decree of the Railway Regulatory Authority No 654/2005. These reduced fare rates are further specified in the transport regulations. Article 10 explicitly deals with reduced fare rates for disabled persons.

# REDUCED FARE RATES FOR PERSONS WITH SEVERE DISABILITIES

- 10.1 Seriously disabled persons and individuals, who are holders of TZP and TZP-S cards(Disability cards) issued by the Offices of Labour, Social Affairs and Family of SR, are transported in second-class wagons of passenger trains for fare rate representing 50% of the full fare rate in second-class wagons according to the Tariff No 1, column B.
- 10.2 The TZP-S card holder is, beside the reduced fare rate according to paragraph 10.1, provided free transport for:
- a) his/her guardian,
- b) his/her wheelchair,

- c) child stroller.
- 10.3 The reduced fare rate is allowed on the basis of a valid TZP or TZP-S card and the identity card. TZP and TZP-S cards do not entitle their holders to a free seat-reservation ticket or sleeping-car/couchette voucher.
- 10.4 The guardian of the ŤZP-S card holder may only be a person older than 15 years, in case of a visually impaired person also a guide dog or a child older than six years. The guardian of the ŤZP-S card holder must not be a ŤZP or ŤZP-S card holder. The ŤZP-S card holder is provided free transport for his/her guardian, even if the ŤZP-S card holder uses other tariff or non-tariff reduced fare rate.
- 10.5 If a dog guides a visually impaired person, it does not need to carry the basket. The guide dog has to be equipped by special leather strap of white colour, marked by red cross.

The owner of the guide dog owns the "Certificate of guide dog for blind persons" that he is obliged to submit at the request of the authorized employee of the carrier.

10.5 In a train with obligatory seat reservation, the ŤZP-S card holder using a wheelchair and his/her guardian are transported in the reserved coupé without the seat-reservation ticket.

10.6 From 1 January 2009, new ŤZP and ŤZP-S card designs issued according to the Act No 447/2008 Coll. are valid. The initial Disability card (ŤZP a ŤZP-S) designs issued according to the Act 195/1998 Coll. are valid until 31 December 2013.

# Accessibility of the built environment

The main objectives, principles and requirements ensuring barrier-free design of the environment and accessibility of constructions in the Slovak Republic are incorporated in the following generally binding legislation.

Act No. 50/1976 Coll. on the Field Planning and Building Code (the Building Act), incorporates the binding nature of the general technical requirements for the constructions used by persons with limited mobility, specifying the requirements for the territorial-technical design of the construction development and for the specific design of constructions laying down that legal entities, natural persons, state administration and self-administration bodies shall follow these requirements during the positioning, designing, approving, execution, final building approval, exploitation and removal of constructions.

The requirement for the ensuring of absence of barriers has been also reflected in the provision of the Construction Act generally laying down general technical requirements for the designing of constructions, while the construction must be designed, so that it corresponds to the purpose and method of use, and if it is accessible to the general public or designed only for use by people with reduced mobility, so that it also meets the special requirements for the use of the construction by people with reduced mobility, in particular the barrier-free requirement.

More detailed requirements for the ensuring of barrier-free environment are laid down in the implementing Decree No. 532/2002 Coll., laying down the details concerning the general technical requirements for the construction and general technical requirements for the constructions used by persons with reduced mobility, which lays down, in Part IV, the basic principles for the creation of barrier-free environment, and also the general technical requirements for the constructions and their parts, so that they can also be used by people with reduced mobility. The Decree is applied in the design and approval of the field plan of the municipality and zone, during the positioning, designing,

approval, execution and use of the construction, in the case of changes of constructions (extension, super structure, construction adaptations).

A requirement that the access to the above-mentioned constructions shall be ensured at least by one entrance on the level of the communication for pedestrians, without levelling stages has been incorporated in the Decree; in the case of new constructions, this applies to the main entrance. In the case it is not possible to ensure the entry in the above-mentioned way, the levelling must be achieved by means of a platform, staircase platform or external lift.

The Decree has been supplemented, in particular by the requirements for the ensuring of accessibility, orientation and use of constructions for persons with impaired senses.

## • in relation to the blind and partially sighted, the following shall be used

- a guiding line, natural or artificial, as a join of palpable orientation points;
- a signalling lane determining exact walking direction for the blind and partially sighted (e.g. when crossing the street);
- a warning lane demarcating the place permanently dangerous for the blind a partially sighted (e.g. identification of the border between the pavement and road or identification of the platform edge);
- acoustic signalling devices with reserved tones, possibly complemented by audio signalling device (e.g. at the crossing, in the lift);

### • in relation to the hearing impaired, the following shall be used

- light signalling equipment (e.g. at the crossing);
- induction loop a device for the hearing impaired, enabling them to receive, by means of a personal compensatory aid, the sound of acoustic reproduction devices.

The Decree has laid down in its annex the individual specific requirements for the ensuring of barrier-free use of the constructions relating, in particular to

- **communications**, including the surface finish and differences in elevation, staircases and platforms, pavements, crossings and boarding platforms, entrances into constructions and lifts;
- **internal space**, including adaptations of windows, doors, medical-technical equipment, handling premises and areas, information equipment;
- **public premises**, including parking lots and stopping areas, public payphones, mail boxes and ATM's.

## Accessibility of education

Equal access to education for children and students with disabilities is guaranteed in the Slovak Republic by the Constitution of the Slovak Republic and relevant legislation. Two forms of education of such children and students are possible, namely in the "mainstream" schools or in special schools for children and students with relevant disability.

In the issues of support of people with disabilities, the questions in the area of administration of universities are ensured through the Universities Act by means of the following measures:

- a public university shall create a fund for the support of studies of students with disabilities which may be used for the financial provision for adequate learning conditions for students with disabilities with regard to their special learning needs; from among public universities, this only applies to medical universities;

- in accordance with the equal treatment principle, discrimination based on disability is forbidden. In the event that a person with disability applies for studies at a university, the form of the entry examination and the manner of its execution shall be determined upon the request of such person, taking account of the disability of the person;
- with respect to direct financial support, social scholarship may be awarded to the student with disability also in the case if such student studies in the studying programme during a longer than the standard duration of studies i.e. in the case where a student without disability is not entitled to social scholarship.

Specific measures have been reflected in the amendments of legislation effective as of September 1, 2008. In particular, they concern the assistants for teachers of children or students with disabilities, the extension of the duration of education of students with disabilities, the possibility to attend practical schools also for adults with mental disabilities, the reimbursement of travel expenses to/from the school for students with special training and education needs, and the like.

Continuously, depending on the funds of the entities setting up the respective schools, the removal of barriers (removal of architectonic barriers) of the buildings of kindergartens, primary schools, secondary schools, and special schools is being carried out.

The support of students with disabilities during university studies is separately regulated in the Act on Universities according to which the university shall create adequate learning conditions for students with disabilities with respect to their special learning needs, without reducing the requirements of the studying performance. Adequate learning conditions include the possibility of studying according to an individual studying plan, in justifiable cases, the extension of the duration of studies with the remission of fees for studies, and the ensuring of the conditions related to the school attendance of students with disabilities. The abovementioned ensuring of the conditions is implemented at each university through the coordinator for students with disabilities.

# Road Transport

- In the medium term, measures aiming at **provision of access for persons with decreased mobility** will be implemented. For persons with disabilities, older persons, families with small children and small children themselves, the following must be ensured in relation to transport infrastructure:
  - o to make stations, departure platforms, train sets, buses and other facilities accessible for persons with disabilities and persons with decreased mobility.
  - o to allow the entrance and exit in and from the vehicle,
  - o to develop acoustic and visual information systems for persons with serious disabilities.
  - o To provide affordable services for persons with low income,
- The Slovak Republic implemented in its legislation the Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers. This Directive prefers the use of low-floor buses.

What could or should be done (together) at EU level?

### Road Transport

The issue of legislative rules in the European Union is dealt with in the Regulation of the European Parliament and of the Council on the rights of passengers in bus and coach transport, amending and supplementing the Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws. Special annex to the said Regulation deals with help provided to persons with disabilities and persons with decreased mobility. The Regulation is binding in the whole extent and directly applicable in all Member States.

## 2. Legal capacity

Disability isn't a ground for depriving of legal capacity to be a subject of law. However, disability of a mental character may be a reason for restriction of legal capacity.

The Commission for Re-Codification of the Civil Code\_constituted by the experts at the Ministry of Justice prepares complete re-codification of the Civil Code in a long term until 2010. The respective articles of the Convention are confronted to elaborate the individual provisions of the new Civil Code concerning legal capacity of the persons with mental disabilities in direct relation to the fact that these persons are, even with full or partial restriction of legal capacity, the legal subjects. Special attention is paid to custody and guardianship so that the terms "capacity to have rights" and "capacity to act independently" were legally expressed and interpreted. In certain cases, the right to make decisions influencing their lives is ensured for such persons by means of the court supervision over the guardian's acts.

In accordance with Article 9 of the Legislative Rules of the SR Government the commenting procedure with representatives of public takes place (e. g. civil associations associating citizens with disabilities. The civil associations representing people with disabilities have a right to raise objections and proposals.

Within <u>civil proceedings</u>, the physical person which cannot act independently before the court must be represented by the guardian appointed by court. If persons with hearing or speech defects participate in the proceedings, the court shall engage an interpreter.

The proceedings on legal capacity are connected with custodial proceedings. Within decision on depriving of legal capacity or its restriction the court shall appoint the guardian for those who have been deprived of legal capacity or whose legal capacity has been restricted. The court monitors the guardian's work and evaluates him/her twice a year at least.

The Civil Procedure Act regulates the proceedings on admissibility of taking over or keeping somebody in a health care institution. Nobody can be kept in a health care institution against him/her will without having permission of a respective court. The law distinguishes legality of taking to the health care institution and keeping in a health care institution. The procedure itself corresponds with this fact and is divided into the proceedings on legality of taking over into a health care institution and the proceedings on legality of keeping in a health care institution. To be officially obliged to do it, the court shall launch the proceedings on admissibility of taking over into the institution within five days from the date when taking over or keeping of a person in an institution has occurred. The proceedings on admissibility of further keeping of an ill person in an institution shall be considered if the person placed there is constrained or excluded from the contact with an outer world. The court is obliged to decide the case within three months from declaring the statement on admissibility of taking over into an institution in direct relation to the expert opinion.

Within the scope of <u>criminal law</u> the criminal codes don't know the term "person with disability." Criminal act works with the term "protected person". The so called ill person, particularly the victim of a crime, is also classified as a protected person. An ill person shall be the person, which in time of commission of an act suffers from physical or mental, otherwise temporary, illness, regardless of the fact whether such a person is temporary unable to work due to sickness or it is a person with a changed working ability, disabled person or person with severe disability; intensity of such an illness shall be a severe bodily harm.

Code of Criminal Procedure provides for the same rights for all persons within the sphere of activity of the authorities acting in criminal proceedings and judicial authorities without regard whether the persons in question are healthy (physically and mentally) or disabled. At both levels, physical persons have the same rights before the authorities acting in criminal proceedings (the police, the prosecution) and before court, to be in a position of the accused, the aggrieved parties, witnesses or participating persons.

## 3. Access to justice

In compliance with Articles 46 and 47 of the Constitution of the Slovak Republic, which is a basic law of the state there are such legal institutions embedded in respective legal regulations, which rigidly ensure the access to justice and equality before the law for the persons with disabilities.

Within application of the acts in competence of the Ministry of Justice (MJ) people with disabilities have an equal status (for example the act on indemnification of the victims of violent crimes, the act on free legal aid etc.).

Within the respective provisions of the Civil Procedure Act and Code of Criminal Procedure, equal access is ensured to the procedural rights and their exercising also for the persons with disabilities. In civil proceedings, a physical person unable to act independently before court must be represented by a guardian appointed by court. If a person with hearing or speech defect is a participant in the proceedings, the court shall engage an interpreter. If the authority acting in criminal proceedings or court raises doubts about capacity of the accused to defend himself/herself properly, a barrister has to appointed for him/her. This concerns the accused with hearing defects, mute and blind and with speech defects preventing from speaking correctly. In such cases, an interpreter to sign language shall be engaged since in regard to criminal proceedings the person is considered a person without command of a state language. Therefore he/she must have a possibility to use a language he/she has mastered – the sign language if this is the case. With regard to policing the Slovak Police Force has the obligation to take interpreter or expert for communication with disabled persons according to Code of Criminal Procedure, section 141-152 and according to Regulation of Police President no. 7/2002 on detection and proceedings concerning misdemeanours.

Barrier-free access to the court buildings or attendance and assistance for the persons with bodily disabilities are ensured by the members of Prison and Judicial Corps trained in these matters. Within the scope of real assistance to persons with disabilities, Ministry of Justice of the Slovak Republic, to be a central state administration authority for courts and prison service, instructs chairs of courts to ensure the barrier-free access to court buildings pursuant to the Ordinance of the Ministry of Environment of the Slovak Republic No. 532/2002 providing for detailed general technical requirements on construction and general technical requirements on the constructions used by persons with limited capacity of moving and orientation, and if it is technically impossible, to ensure collaboration with members of the

Prison and Judicial Corps who are trained and instructed by the internal regulations in these issues.

The Code of Criminal Procedure provides for equal rights for all persons within competence of the bodies acting in criminal proceedings and judicial authorities without regard whether the persons are healthy (physically and mentally) or disabled. At both levels, physical persons have equal rights to have a status of the accused or the aggrieved parties, witnesses or participating persons before the authorities acting in criminal proceedings (the police, the prosecution) and before courts.

To compensate for disadvantages of the persons with disabilities, the Code of Criminal Procedure contains several provisions enabling such persons to have the same status before the law as the persons without disabilities (healthy persons). It provides the persons with disabilities with the access to justice identical with the other "healthy persons" by means of legal regulations facilitating persons with disabilities to have a status of direct and indirect participants in criminal proceedings. Access to justice for the persons with disabilities is incorporated in the whole proceedings, from preparatory proceedings to the status before court and legal proceedings.

If a person with disability (deprived of legal capacity or with restricted legal capacity) has a status of the accused he/she must have a barrister from the beginning, i. e. from bringing a charge in the preparatory proceedings.

The witness or the aggrieved party, usually having the status of witness, who cannot arrive in hearing due to physical illness (persons with severe bodily and physical disabilities) or mental disorder can be heard by means of technological facilities. Persons whose participation or presence is important must be present during such a hearing.

There are no special courses or training module with regard to protection of rights of persons with disability within Police Forces. However, on the floor of the Academy of Justice, pursuant to the Plan of Educational Activities of the Academy of Justice for 2009, adequate attention will be paid to the access to courts and ensuring of principles of equality in relation to all professions coming into contact with such issues within competence of the Ministry of Justice.

Rights of disabled persons are encompassed in text books for elementary as well as specialized police preparation at High schools for Police Force. Also it is obligatory for every newly accepted police officer to undertake a post graduation qualification studies, within which the attention is paid to this area in:

- a) the initial module part IX "Ethical aspects of police work"
- b) in the part III of the syllabus to the subject Service of the Public Order Police "Use of coercive measures according to Act on Police Force, part on Special limitations while using coercive measures."
- c) in the part V of the syllabus "Tactics of the police intervention against individual categories of persons", where belong also disabled persons.

#### 4. Independent living

In 2007 was home care services provided with care staff from municipalities for 22 760 citizens. Home care provided by relatives is given for about 50 000 persons with severe

disabilities older that 6 years. Over 6000 persons is living at home and they have personal assistance.

## **Home Care service**

	number of recipients of care service			number of employees of care service				
Region	2004	2005	2006	2007	2004	2005	2006	2007
Bratislava Region	2289	1957	1897	1992	907	713	664	681
Trnava Region	2482	2192	2198	2148	3371	1323	1351	912
Nitra Region	2137	2314	2742	6437	2669	2457	1156	1038
Trenčín Region	2203	2124	2319	2633	2333	2011	1077	983
Banská Bystrica Region	2511	2311	2336	2210	3154	2916	812	770
Žilina Region	3424	3195	3226	2964	1256	933	1006	931
Prešov Region	3361	2600	2469	2291	1710	1022	1144	971
Košice Region	1656	1806	2507	2085	674	608	844	714
SR	20063	18499	19694	22760	16074	11983	8054	7000

Source: Record of MOLSaF no. 11-01

Social services in institutions were provided for 33 886 inhabitants in 2007. From this amount were 24 573 persons with disability (73%) (including daily services in institutions)

# Number of facilities and their capacity in the Slovak Republic in 2007

	Number of Facilities in at	Number of places at 31 December 2007					
Type of facility			Of which care provided				
	31.12.2007	Total	yearly	weekly	daily	temporary	
Total social service facilities	678	35 055	31 115	786	2 063	1 091	
Bratislava Region	79	4 616	3 484	216	664	252	
Trnava Region	75	4 046	3 705	60	105	176	
Trenčín Region	82	4 311	4 049	78	113	71	
Nitra Region	74	5 038	4 818	97	81	42	

78	4 215	3 792	104	271	48
115	4 681	4 234	116	282	49
96	4 327	3 575	73	313	366
79	3 821	3 458	42	234	87
206	13 758	13 758	0	0	0
15	1 568	1 568	0	0	0
12	531	501	0	30	0
110	7 434	6 934	103	314	83
3	148	113	0	35	0
61	4 720	4 176	138	405	1
3	196	30	46	120	0
40	1 496	576	382	538	0
13	396	228	25	142	1
5	105	83	0	0	22
12	246	246	0	0	0
26	611	611	0	0	0
69	1 754	1 199	0	45	510
15	403	30	45	328	0
88	1 689	1 062	47	106	474
678	35 055	31 115	786	2 063	1 091
	115 96 79 206 15 12 110 3 61 3 40 13 5 12 26 69 15 88	115	115       4 681       4 234         96       4 327       3 575         79       3 821       3 458         206       13 758       13 758         15       1 568       1 568         12       531       501         110       7 434       6 934         3       148       113         61       4 720       4 176         3       196       30         40       1 496       576         13       396       228         5       105       83         12       246       246         26       611       611         69       1 754       1 199         15       403       30         88       1 689       1 062	115         4 681         4 234         116           96         4 327         3 575         73           79         3 821         3 458         42           206         13 758         13 758         0           15         1 568         1 568         0           12         531         501         0           110         7 434         6 934         103           3         148         113         0           61         4 720         4 176         138           3         196         30         46           40         1 496         576         382           13         396         228         25           5         105         83         0           12         246         246         0           26         611         611         0           69         1 754         1 199         0           15         403         30         45           88         1 689         1 062         47	115       4 681       4 234       116       282         96       4 327       3 575       73       313         79       3 821       3 458       42       234         206       13 758       13 758       0       0         15       1 568       1 568       0       0         12       531       501       0       30         110       7 434       6 934       103       314         3       148       113       0       35         61       4 720       4 176       138       405         3       196       30       46       120         40       1 496       576       382       538         13       396       228       25       142         5       105       83       0       0         12       246       246       0       0         26       611       611       0       0         69       1 754       1 199       0       45         15       403       30       45       328         88       1 689       1 062       47       106

Source: Chosen data of Statistical Office of the Slovak Republic

A of January 1, 2009, the Act No. 448/2008 Coll. on Social Services came into force and brings new provision for the conditions of the provision and funding of social services, and at the same time, it brings many new elements not provided for by the existing legislation (e.g. the quality standards, new types of social services).

The Act in regulates in a new way the supported housing facility where the social service is provided to people in need of supervision and able to lead independent life under such supervision. In addition to the housing and creation of the conditions for the preparation of

meals, such facility provides social consulting, assistance in the exercise of rights and interests protected under law, and social rehabilitation.

The Social Services Act, to came into force as of January 1, 2009, imposes on the provider of the social service the obligation to cooperate with the family, municipality and community in the creation of the conditions for the return of the beneficiary of the service in the facility with a year-long stay to the natural family environment, with the preferential provision of the field, out-patient social service or service in the facility with weekly stay; all this with the respecting of personal goals, needs, abilities and health conditions of the social service beneficiary.

At the same time, the Social Services Act lays down that the provision of social services in a facility with the capacity lower than 40 places shall have priority over the provision of the service in the facilities with higher capacities.

The Act also regulates the provision of field social services (home care service) and outpatient social services (daily social welfare institution) which enable people with disabilities to stay in the natural family environment, and at the same time to provide care to such people)

The new Social Services Act also emphasizes the client's right to choose the place of the provision of the social service, since the social service may only be provided to him/her in another municipality, i.e. in another community upon his/her approval.

The Social Services Act in regulates in a new way the supported housing facility where the social service is provided to people in need of supervision and able to lead independent life under such supervision. In addition to the housing and creation of the conditions for the preparation of meals, such facility provides social consulting, assistance in the exercise of rights and interests protected under law, and social rehabilitation.

As of January 1, 2009, the Act No. 447/2008 Coll. on Financial Allowances for Compensation of Serious Disabilities and on the Amendment of Certain Acts, came into force and its subject is a new provision for the individual tools of compensation for people with serious disabilities and the conditions of their provision. The aim of the regulation is the maintaining, renewal or development of abilities of natural persons and their families to lead independent life, the creation of the conditions and support of the integration of natural persons and their families in the society, with their active involvement in this process, and the overcoming or mitigation of the social consequences of serious disability. The Act lays down that the rights laid down under this Act shall be equally guaranteed to everyone in accordance with the equal treatment principle laid down under the Anti-Discriminatory Act.

Financial allowances for the compensation may be granted to a natural person with serious disability, given the fulfilment of the conditions laid down by the Act, while a natural person with serious disability shall mean a person with the rate of functional disorder determined according to the WHO at least at the level of 50%. The medical assessor, after the assessment of the health condition of the natural person, its changes and malfunctions conditioning such disability, shall determine the rate of the functional defect and shall assess the disadvantages of the natural person in result of the serious disability compared to a person without disability, of the same age, gender and under the same conditions. The assessment of personal preconditions, family environment and environment affecting the integration of the natural person with serious disability into the society, form part of the assessment of the deprivation of the person, based on which the disadvantage in the area of mobility, communication, necessary tasks of everyday life and household works and increased expenses will be

assessed. This social assessment activity shall be performed by social workers and other specialists (e.g. ergo therapist, architect) with the participation of the natural person subject to the assessment who shall be entitled to express his/her needs and proposals for the solution of the social situation.

The financial allowance for personal assistance which is one of the most progressive forms of social assistance for people with serious disabilities. In this form, people with serious disabilities receive an effective assistance in the area of mobility, communication or in the area of self-service and ensuring of assistance in the household management. Its progressiveness consists in particular in the fact that it supports independence of the person with serious disability, his/her work, education, family, civic activities which leads to his/her social integration, and thus representing a significant tool supporting the social inclusion of persons with serious disabilities. The financial allowance (direct payment) for personal assistance is provided directly to the person with serious disability. The person uses the allowance to pay for personal assistance of his/her own choice. The relationship between the person with serious disability and personal assistant is regulated by an agreement. The maximum number of hours of personal assistance per one day shall be 20 hours or 7,300 hours annually.

Monetary allowance for care provided to ensure assistance to people with severe disabilities dependent on a whole-day personal and regular care at necessary life acts and to ensure the carer's income. A monetary allowance shall be given to physical persons taking care of people with severe disabilities older that 6 years and belonging to the circle of persons, which are for the purpose of this monetary allowance wives, husbands, parents, foster parents or carers determined by court, children, grandparents, grandsons and granddaughters, siblings, daughters-in-law, sons-in-law, fathers-in-law, mothers-in-law, widowed daughters-in-law and sons-in-law and other persons (e.g. neighbour)

A basic amount of the monetary allowance is €199,18 per month, which can be further modified in relation to citizen's or carer's income and in the case if people with severe disabilities attend various facilities, e. g. social care facilities with daily stays.

The Social Services Act charges social service providers with the duty to draw up and fulfil procedural, personnel and operating conditions for the provision of social services (quality standards), the structure of which is precisely laid down in the act, which enables not only inspection bodies, but also independent institutions and the public to monitor and check the quality of social services. In the interest of achieving the most objective evaluation of social services provision, an evaluation system has been drawn up, using set criteria to score the actual quality of social services provision according to the fulfilment of individual conditions. It sets a maximum number of points that a social services provider can achieve, and a minimum number of points that the social services provider must achieve to meet quality standards. At the same time in the interest of quality assurance, other obligations have been placed on the provider, which include for example the duty to plan the course of social services provision (an individual development plan) according to the aims, needs and abilities of the social services recipient, the duty of the provider to comply with the maximum number of clients per employee and the percentage share of professional personnel in the total number of personnel at selected types of facilities, and with the aim of raising professionalism in work, the duty to draw up and implement a programme of supervision.

Furthermore, social services facilities are required to fulfil general technical requirements according to special regulations for the construction and buildings used by people with limited movement and orientation, to fulfil requirements concerning the internal environment of buildings and concerning low-standard apartments and accommodation facilities, as well

as requirements for catering facilities, including a requirement for ensuring their barrier-free access.

For the first time SR legislation regulates qualification requirements for performing individual professions in the field of social services (social worker, social adviser, supervisor, carer, interpreter, social rehabilitation instructor and coordinator, work therapeutist, governess, healthcare facility personnel, etc). Qualification requirements are defined, along with further education necessary for performing selected work activities in the field of social services. With the aim of ensuring the fulfilment of the prescribed qualification requirements and with the aim of achieving quality further education in the field of social services, accreditation for education programmes is granted and revoked by the Ministry.

For ensuring quality in social services it is also necessary to have efficient supervision over their provision. For this reason the Social Services Act regulates supervision over social services, in the framework of which there will be supervision over compliance with this act and other legal regulations, for example in the provision of social services from the aspect of the observance of fundamental human rights and freedoms, in the conclusion of contracts on social services provision, in educational programmes and to decide on the imposition of fines in the event of a breach of regulations under this act.

## 5. Voting rights

National legislation concerning elections and referendum guarantees election right for voters with health disability. Conditions for applying election rights are created so, that voter doesn't need to go to elective room. He can vote at home to the transferable ballot box. In such case members of polling Electoral Committee bring ballot eventually envelope and they have to guarantee confidentiality of voting. Voter with health disability have also the right to ask another voter to adjust ballot according to his instructions eventually to place such ballot to the envelope and into the ballot box. Such a person may not be a member of the polling Electoral Committee.

Act on Elections to the European Parliament also respects voters with health disability and enables them to vote at home. In such case members of the polling Electoral Committee come on request and enable them to vote so that the confidentiality of voting is maintained. In case when voter is unable to mark the ballot due to the health disability, he/she has the right to ask another voter to adjust ballot according to his instructions eventually to place such ballot to the envelope and into the ballot box. Such a person may not be a member of the polling Electoral Committee.

#### 6. Monitoring mechanism

Slovakia has not nominated an independent mechanism yet, neither it has envisaged any formats for the reporting to the UN and in this context collected any statistics and/or developed indicators in view of monitoring the application of the Convention. However, civil society will be involved in the monitoring process via Council of Government of the Slovak Republic for people with disabilities and via working group with the remit to coordinate activities relating to the analysis and ratification process. The members of the working group include the representatives of civil society- Persons with Disabilities

#### 7. Empowerment of people with disabilities

The Council of Government of the Slovak Republic for people with disabilities was created By Resolution of Government of the Slovak Republic No.:488 from 9th July 2008, with

participation 15 deputies and representatives of the non-governmental organisations. Those representatives of non-governmental organisations of assembly refer to the UN Convention on the Rights of Persons with Disabilities on access to rights for people with disabilities and their full and active participations in society and recommends that the Government of Slovak Republic proposals to take into account when developing of national policies for people with disabilities and their full active participations in society in each field of the live. They promote an exchange of the best practices on access to rights for people with Disabilities and their full active participation in society and on implementation of the Council of Europe Disabilities Action Plan to promote the rights and participation of people with disabilities in society 2006-2015 at national and local levels.

Communication and cooperation of people with disabilities, of their individual organizations in relation to the central public administration bodies and in relation to the creation of individual policies, is one of the measures of the National Programme for the Development of Living Conditions of People with Disabilities in All Areas of Life. People with disabilities participate in the development of the policies through their organizations within the entire legislation process but also through the Government Council of People with Disabilities, an advisory body to the Slovak Government.

For example: during the entire legislation process of the development of legislation in the area of field planning and Rules of Construction, people with reduced mobility and their representative organizations have the opportunity to consult the addressing of this issue and apply their comments within the interdepartmental comment procedure. The aim of the regulations is to create binding rules for the urban design of the environment and architectonic-constructional design of the constructions which will also create conditions for independent movement and orientation of people with disabilities in such environment, including the accessibility and exploitation of the constructions.

In the area of culture, the Ministry of Culture of the SR support and benefits from the advisory and consultation function of the organizations of people with disabilities, within its working groups and commissions (e.g. the Commission for Culture of Disadvantaged Groups of Population grant programme which allocates funds for culture of disadvantaged groups of population). At the same time, the representatives of organizations representing people with disabilities are invited to participate in the fulfilment of the tasks of the Ministry, and the cooperation with the National Council of People with Disabilities, but also with non-governmental organizations focused on the cultural development of people with disabilities, has been made more efficient.

In the area of education, the organizations representing people with disabilities have the possibility to influence the legislation in the area of training and education of children and students with disabilities, e. g. through the Council of the Slovak Government for the Issues of People with Disabilities; a representative of the Ministry of Education of the SR is also a member.

Representative organizations have the opportunity to consult different proposal (e.g. laws, conceptions) and apply their comments within the interdepartmental comment procedure, meeting with representatives of ministries.

#### Slovenia

#### 1. Accessibility

The obligations related to the built environment are laid down by the Spatial Planning Act and by the Construction Act.

- Spatial Planning Act, article 3: (2) Interventions in space and spatial arrangements have to be planned so that they enable free access to buildings and their use to persons with disabilities in compliance with legislation.
- Construction Act, article 2 and 17: all new public buildings and facilities and all reconstructed public buildings according to this act should enable free access and their use to persons with disabilities.
- National standard SIST ISO/TR 9527 building construction: needs of persons with disabilities and other functionally impaired persons in buildings

Accessibility guidelines are present in two documents:

On 7 December 2005 the Government adopted national Guidelines to improve accessibility for persons with disabilities to physical environment and information and communication, which are a comprehensive set of measures to be implemented by 2025. The objectives laid down in the National guidelines are based on a number of acts adopted by the Republic of Slovenia (such as in the area of environmental planning, building construction, accessibility to apartments, working environment and equipment, air and road transport, electronic communications, etc.). Access to services of public and private sectors and to physical environment is considered to be the right of persons with disabilities and of all other functionally impaired persons. By this project the state aims at establishing accessible environment for living and work of all people and at providing all groups of people equal opportunities of living and participating in social developments both in the areas of education, culture and recreation and in the areas of notification and decision-making.

In November, Action Programme for persons with disabilities 2007-2013 (The Government of the Republic of Slovenia adopted on 30 November 2006) has been adopted. Section number 3 concerns accessibility. It is accessible on internet adress: http://www.mddsz.gov.si/en/legislation/

Besides that documents, National standard SIST ISO/TR 9527 – building construction is accepted.

# **OBJECTIVE 3:** Ensuring persons with disabilities access to built environment, transport, information and communications;

#### **Objective description**

The right to accessible built environment, information and communications in the Republic of Slovenia is based on the Constitution, according to which everyone has the right to freedom of movement, to choose his place of residence, to freedom of association with others, to a healthy living environment and the state is obliged to enable the citizens to get proper housing.

The Use of Slovenian Sign Language Act, adopted in 2002, grants deaf persons the right to use Slovenian sign language, to be informed in techniques adjusted to their needs and lays

down the scope and method of exercising the right to a sign language interpreter. In implementation of the above Act there are still problems in ensuring individual rights.

#### Actions to be taken under Action plan in the period 2007-2013:

- 3.1. consistently observing the Environmental Planning Act, the Construction Act and the Rules on the requirements for barrier free access to, entry to and use of public buildings and facilities and multi-apartment buildings, the National standard SIST ISO/TR 9527 building construction: needs of persons with disabilities and other functionally impaired persons in buildings and the Use of Slovenian Sign Language Act;
- 3.2 ensuring public transport to all places in Slovenia all days in the week and ensuring a number of affordable rides to persons with disabilities unable to drive their own cars;
- 3.3 ensuring that the public passenger transport service provides transport for assistance dogs of visually impaired persons;
- 3.4 adapting buses, coaches and trains for persons with functional and sensory impairments (access to and getting on and off buses, access to information on screen and in spoken form, access to public railway premises) and implement EU Directive No. 2001/85 on special provisions for city and local buses;
- 3.5 ensuring that an adequate number of taxi service vehicles are adapted for transport of persons with disabilities;
- 3.6 ensuring accessibility to persons with physical and sensory impairments in airports, bus and railway stations (persons to assist with orientation of blind and partially sighted persons, ramps or elevators for persons on wheelchairs etc.) in compliance with EU Directive No 96/48 on high sped trains, Regulation on International Rail Passengers' Rights and Obligations COM 2004/143, proposal for a directive on railway transport COM 617/1999 and Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of persons with disabilities and persons with reduced mobility when travelling by air;
- 3.7 adapting or preparing materials relating to decision-making on national and local levels in accessible modes (such as materials for elections and documents of importance for mentally disabled persons);
- 3.8 using Slovenian sign language and provide subtitles and descriptions of action on screens for blind, for informative, scientific and other television programmes of general education at least;
- 3.9 ensuring equal access to information and public administration services on Internet for all;
- 3.10 preparing a manual for public procurement with recommendations for better accessibility on Internet and implementation of EU Regulation No. 1083/2006 on partnership, non-discrimination and accessibility of structural funds;
- 3.11 encouraging the use of information and communication technology for better inclusion and communication of disabled and functionally impaired persons as regards accessibility of e-government, including the use of internet, software and hardware;

- 3.12 setting up a coordinating body within the Ministry of Labour, Family and Asocial Affairs to monitor and analyse the degree of accessibility of environment;
- 3.13 ensuring accessibility of tourist programmes to persons with disabilities; Encourage travel agencies to create tourist offer for persons with disabilities though adequate measures;
- 3.14 ensuring accessibility of educational institutions;
- 3.15 ensuring that renovation of religious buildings is done in such a way as to allow premises and rites to be accessible;
- 3.16 encouraging dissemination of good practice at municipal and administrative units' level for example, the scheme "Persons with disabilities-friendly municipality";
- 3.17 setting up relay points for persons with sensory and communication disability, that is centres that provide for the exchange of information among the deaf/hard of hearing and other persons;
- 3.18 encouraging producers to furnish their products with Braille script, enabling thus persons with sensory disabilities easier access to goods;
- 3.19 putting in place safety rules regarding persons with disabilities on passenger ships and high-speed passenger crafts in compliance with EU Directive No. 98/18 on passenger ships and high-speed passenger crafts on domestic voyages.

# 2. Legal capacity

Before ratifying the Convention, it was assessed, that Slovenian legislation respects legal capacity demands, as it is written in Article 12 of the Convention. The Ministry of Labour, Family and Social Affairs, discussed this matter with Slovenian representative disability organization – Sožitje, who is national representative disability organisation for / of persons with mental disabilities.

National Assembly Elections Act (Official Gazette RS 54/2007) in Article 7 declares: As regards the right to vote and the right to be elected, this right is not granted to a citizen of the Republic of Slovenia aged 18 and over, who does not have a legal capacity due to mental ill-health, retardation or disability and for whom the parental right of parents or other persons has been prolonged after he/she was 18 and he/she is not capable of understanding the meaning, purpose and impacts of elections.

The court decides separately in the procedure for restriction of legal capacity or prolonging parental right over 18 on the restriction of the right to vote and to be elected.

## 3. Access to justice

The Constitutional Court of the Republic of Slovenia decided<sup>28</sup> that the National Assembly has to abolish the discrepancy in the Civil Procedure Act, because it does not regulate the right for blind and weak-sighted persons regarding the access to judicial writings and to

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<sup>&</sup>lt;sup>28</sup> decision U-I-146/07-34 of 13 November 2008

written applications of clients and other participants in the procedure in a form which would be suitable for them.

Use of Slovenian Sign Language Act was adopted in 2002. Slovenia is one of those states in the world where sign language is recognised as a natural language of deaf persons and where deaf persons are entitled to free interpreting service before all state authorities and to additional free interpreting services for their personal needs. Pursuant to the Act deaf persons may use Slovenian sign language as a language of mutual communication and a natural means of communication and have a right to be informed in techniques adapted to their needs.

All deaf persons issued with a card also receive a voucher for interpreting services to use whenever they consider they need an interpreter. In case of procedures before the national and local authorities and procedures carried out by bearers of public authorities or providers of public services, such authorities or services must themselves provide funds to pay an interpreter (for deaf persons interpreting is free).

Slovenian spoken language is interpreted into sign language and sign language into spoken language by sign language interpreters. The Act stipulates that a sign language interpreter has to acquire a sign language certificate. The Association of Slovenian Sign Language Interpreters maintains a list of sign language interpreters, ensures that enough interpreters are available to fulfil the needs of deaf persons all over Slovenia and develops Slovenian sign language. The Association is the only institution in Slovenia that carries out training programmes for future interpreters and is registered to award certificates to interpreters.

In addition to the Association of Sign Language Interpreters, the Government has appointed a Council for Slovenian Sign Language to report to the Government on the implementation of the Act at least once a year. The Council monitors the implementation of the Act and has since it started its work negotiated certain provisions with different ministries. It judges that the implementation of the Act is successful. Of course, there are still some difficulties in certain areas of implementation, especially concerning education. Harmonisation of legislation in this field has been set as a priority task of the Council for the following year.

The Act offers deaf persons an option of unrestricted use of sign language in all procedures before all state institutions, which are obliged to provide funds for interpreters' services. Furthermore, the state provides for the payment of interpreting services of up to 30 hours a year for every deaf person for his/hers individual needs. Students who need a greater amount of interpretation services due to their schooling requirements will be able to claim payment for interpreting services of up to 100 hours a year. Funds to cover the payment of these interpreting services shall be provided from the budget.

In 2008, 885 persons could use sign language interpreting under this act. The total amount of resources, from Ministry of labour, family and social affairs, was 373.411,23 EUR. Beside that, all other public bodies have to provide sign language in their public procedures.

#### 4. Independent living

In Slovenia there is a set of different instruments to support independent living:

• **Help at home** – as the term itself explains, the service is given where **the person lives**. This kind of help is intended for older beneficiaries who cannot live alone because of their age. Among the help beneficiaries in Slovenia in 2008, there were also 196 people with the

- status of a disabled person and 263 other persons with disabilities entitled to the right to be helped and taken care of.
- In the framework of **health care and labour centres** and **special education institutes**, almost 3000 people are included in the care, leading and employment under special conditions, 1127 people are included into the institutional care, 775 people have 16 hours per day during the weekdays and 24 hours during the weekends and holidays (those are the ones who are for 8 years included into the care, managing and employment under special conditions).

In addition, it is possible to benefit from a family assistant (a family member is a personal assistant) and this service is provided within the budget and community means. Also many organizations for people with disabilities organize personal assistance for their members from the financial means provided by the Foundation for financing disability and humanitarian programs and also the programs run by the Ministry of labour, family and social affairs (published social program on annual basis).

2375 people with special needs live in **the institutional care**; that is adults with mental health disorders and problems with mental health, sensory disturbances and physically impaired persons. **Institutional care of children and youth with moderate, severe and most severe disorder in mental health development** is a professionally managed and organized social care service intended for children with disorders in mental health and with physical impairment, and through this service it is possible to obtain a partial or total replacement of home and own family. 505 beneficiaries live in these institutions.

As regards the deinstitutionalisation process, Slovenia has a pilot project called **Individualised financing**. It is an important novelty, permitting the beneficiaries to get the money directly and can pay for services, while the old model prefers suppliers and with this subordinates people who need services. The mentioned project is about **living outside the institution on the basis of individual service package**, namely for adults directed into special upbringing and education programme and for adults with disorders in mental development and for people aged over 65. At the moment the project includes 15 beneficiaries.

Institutional care in special education centres includes children with the most severe mental and physical disabilities. According to demands and needs of this population, which needs a suitable treatment in the institution, the deinstitutionalisation is not applicable. Depending on various needs, the beneficiary can receive a partial service in the daily department of the institution or in the daily centre lasting up to 10 hours per day, or full institutional care intended for beneficiaries who need a full 24-hour day care in the institution and is conducted within the care program in emergency cases in the institution or full day care in the institution.

As regards the main developments in finding alternatives to institutional care, one of them is the above mentioned project of living outside the institution on the basis of individual service package. In the last decade Slovenia has been opening group homes (from 4 to 11 beneficiaries) and living units (12 to 24 beneficiaries); this enables persons with disabilities to live closer to their domestic environment (this units are dispersed throughout Slovenia) and living in this units looks more like living at home. There are 40 such units and 400 people are included in these units. In the last years, also severely disabled persons can be included into the Care and Work Centres; they did not have such opportunities in the past, because they could not be incorporated into the labour process; they were not able to be incorporated into the management, care and employment services under special conditions. At present, the so called care groups are formed within some Care and Work Centres, where the goal is only the

care and management of beneficiaries. This permits the parents of such children that they can have their children at home and bring them to Care and Work Centres for few hours per day (5 to 7).

**Alternative to a daylong institutional care** is the right to choose a family assistant. The Parental Protection and Family Benefit Act enables a parent taking care of his/her child suffering from severe disorder in mental development or a physically impaired child the right to partial compensation for the lost income until the child is 18 years old.

As regards initiatives on measuring the quality of services and the impact on the quality of life, at the moment there is no certified single system for measuring the service quality (there are many systems in use and the most common is E-Qualin).

# 5. Voting rights

Article 79(a) of National Assembly Elections Act<sup>29</sup> provides that district election commission defines at least one election place accessible to disabled persons for the district. The voters wishing to vote at this election place have to communicate their intention to the district election commission at latest three days before Election Day. The election commission can enable voting with specially adapted voting papers and voting machines.

## 6. Monitoring mechanism

Slovenia decided during the ratification process that the most appropriate body for monitoring the implementation of the Convention is the Government Council for Persons with Disabilities. The act is being drafted on granting the same opportunities to disabled persons, which will especially regulate also the issue of independent national monitoring of the convention implementation.

The Government Council for Persons with Disabilities ensures that persons with disabilities are given due consideration in all national programme documents and gives expert opinions on proposed acts and implementing regulations.

Besides that, the Council discusses all legal acts concerning the status of persons with disabilities in different stages of drawing up and adoption. It monitors the implementation of adopted legal acts and draws attention to problems and deficiencies that arise in the process. Within international cooperation the Council keeps itself informed of new developments in EU concerning persons with disabilities (reports of ministries, National Council of Organisations of Persons with Disabilities and representative organisations of persons with disabilities). The Council considers expert reports of institutions operating in the field of protection of persons with disabilities. It draws up opinions and positions on documents the relevant ministries prepare for the Government and on initiatives and proposals submitted to it by disability organisations, social economy organisations, professional institutions and individuals.

The Council is tripartite – it consists of representatives of representative disability organisations, Government representatives and experts. Of fifteen members, five are representatives of organisations of persons with disabilities.

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<sup>&</sup>lt;sup>29</sup> Official Gazette RS 54/2007

Due to the fact, that the responsible body for reporting guidelines is the treaty body under CRPD, Slovenia will wait till the guidelines for reporting will be prepared by the body, which are to be prepared during 2009.

It has to be underlined that Slovenia adopted the Action Program for persons with disabilities 2007 – 2013. Every year the government discusses the report on its realisation. The report for 2008 is prepared in a way that it includes also the reporting elements on Convention implementation, even that so far, Slovenia didn't collect any statistic regarding implementation of CRPD.

## 7. Empowerment of people with disabilities

Under Slovenian Act on disability organizations adopted in 2002, Article 4 on Engagement to consult disability organisations provides that "Disability organizations participate in shaping the national policies and measures for providing equal opportunities and equal treatment of persons with disabilities. National authorities consult disability organizations on all matters from previous paragraph" Furthermore Article 10 states that, disability organizations among other define interests and defend the needs of persons with disabilities on all levels concerning the life of disabled persons and contribute to the awareness of general public and have an impact on changes in favour of disabled persons, plan, organize and perform program

Representative and other disability organizations functioning on national level can join into a national council of disability organizations - National Council of Organisations of Persons with Disabilities. The goal of the Council is to coordinate interests of all persons with disabilities in the country, concerning the autonomy of each disability organization and to represent them in the dialogue between professional associations, national authorities, public institutions and other public. The National Council gives suggestions according the regulations on the joint representatives in the authorities of national institutions and authorities of international organizations and cooperation and performs other commonly agreed activities.

The government and line ministries consistently respect this provision and consult the representatives of representative disability organizations on all important issues. Also public discussions on preparatory acts are being held at the same time.

#### **Spain**

#### 1. Accessibility

The idea of integral accessibility that is promoted under the Law of Equal Opportunities, Non-Discrimination and Universal Accessibility of People with Disabilities (hereinafter referred to as LIONDAU; Ley de Igualdad de Oportunidades, No Discriminación y Accesibilidad Universal de las Personas con Discapacidad), means that the accessible environment has to be considered as a chain in which all links must be accessible, so that the accomplishment of the activities of a disabled person are not interrupted or impeded because one of the links in the chain, an environment or a space, is not accessible and does not let them advance along their journey by themselves.

The normative development of this important law has led to several royal decrees that establish the basic conditions of accessibility to be considered for the normal functioning of persons with disabilities, in order to achieve maximum personal independence:

- Royal Decree 366/2007 of 16 March, which sets forth the conditions of accessibility and non-discrimination of people with disabilities in their relations with the General State Administration.
- Royal Decree 505/2007 of 20 April, which sets forth the basic conditions of accessibility and non-discrimination of people with disabilities for accessing and using public spaces and buildings.
- Royal Decree 1494/2007, of 12 November, by which the Regulations on basic conditions for access for disabled persons to technologies, products and services related to the information society and social communication media are passed.
- Royal Decree 1544/2007, of 23 November, by which the basic conditions of accessibility and non-discrimination for access to and the use of means of transportation by people with disabilities are regulated.

All these regulations are available in both Spanish and English at <a href="http://sid.usal.es/spanishlawsondisability">http://sid.usal.es/spanishlawsondisability</a>

All legislative developments might not go beyond a declaration of good intentions if the corresponding legal instruments are not set up for the protection and defence of these rights. In this respect, an Arbitral System has been created to resolve complaints and claims, which prevents becoming involved in other longer and expensive procedures, such as action taken under administrative law. This mechanism is set out in Law 49/2007 of 26 December, which establishes a system of infractions and sanctions to obtain equal opportunities, non-discrimination and universal accessibility. It regulates sanctioning measures, in the event of acts that involve direct or indirect discrimination due to reasons of disability.

Work is currently underway on the two Royal Decrees that are missing in order to complete the development of the LIONDAU, in accordance with what is foreseen in the aforementioned Law:

- Basic conditions of accessibility and non-discrimination for access to and the use of goods and services at the public's disposal.
- Training curriculum on universal access and the training of professionals.

The First National Plan of Accessibility contains the commitment of Governments in relation to the promotion of accessibility, which will be developed in successive three-year periods until 2012. It is foreseen that, during the Plan, the competent public and private institutions will make an approximate investment of 625 million Euros.

On the other hand, there is a series of Reference Centres in universal accessibility which promote the use of information and communication technologies that favour the autonomy of people with disabilities:

The mission of the State Centre of Personal Autonomy and Technical Aid (CEAPAT; Centro Estatal de Autonomía Personal y Ayudas Técnicas), dependent upon the Institute of the Elderly and Social Services (IMSERSO; Instituto de Mayores y Servicios Sociales) is to contribute to improving the standard of life of all citizens, especially older people and those with disabilities, fomenting integral accessibility, the design for everyone and the support towards new technologies.

The Spanish Centre of Subtitling and Audio Description (CESyA; Centro Español de Subtitulado y Audiodescripción) is a centre dependent upon the Royal Board on Disability – Ministry of Education, Social Policy and Sport. Its multidisciplinary project is to favour accessibility in the audiovisual media environment through the services of subtitling and audiodescription.

Among its objectives we can point out the creation and management of a database service with references to the material available with subtitles and audiodescription, the coordination of research and accredited training and contributions to initiatives in standardization, communication and social awareness for audiovisual accessibility.

The Spanish National Centre for Accessibility Technologies (CENTAC; Centro Nacional de Tecnologías de Accesibilidad) is a centre dedicated to promoting the development of accessibility technology within the fields of business, industry and services in order to facilitate access to them and improve the quality of life for the elderly, the disabled and their families.

CENTAC is a state reference in the adjustment of technologies for disabled people; it joins together projects from the main companies in the sector to promote testing, innovation, assessment and boost the progress made in accessibility and design for everyone, promoting cooperation processes with the industry in I+D+i projects through the active participation of users.

The Law 49/2007, of 26 December, which establishes a system of infractions and sanctions for equal opportunities, non-discrimination and universal accessibility of people with disabilities has been passed to keep watch over the degree of fulfilment and efficiency of what has been set forth in both the LIONDAU and in the development of these regulations.

In Spain everything regarding accessibility for people with disabilities concerning guides, orientations, etc. that have been drawn up in this field, have used the obligations set forth in Art. 9 of the UN Convention as a reference

#### 2. Legal capacity

Articles 9.2, 14 and 49 of the Spanish Constitution have been developed with further regulations, such as Law 13/1982 of April 7, of Social Integration of people with disabilities (now LISMI, Ley de Integración Social de los Minusválidos) and especially by Law 51/2003, of 2 December, on equal opportunities, non-discrimination and universal accessibility for people with disabilities (LIONDAU), whose purpose is to set up measures that guarantee and make effective the rights for equal opportunities of people with disabilities.

The Government of Spain, conscious of the difficulties that people with disabilities might have, has adopted a series of measures such as the creation of an arbitral system. For people

with disabilities, arbitration regulated under Royal Decree 1417/2006, of 1 December, constitutes the most suitable course, so they can assert their rights without encountering the difficulties that normally arise when going through legal channels.

This field, like all policies that refer to people with disabilities, are dealt with in the heart of the National Disability Council, created in 2004; this is an inter-ministerial collegiate Body of the Ministry of Education, Social Policy and Sport, in which CERMI (Spanish Committee of Representatives of People with Disabilities) and the different General State Administration departments involved are represented. The most detailed treatment, on any of these matters, treated at the Plenary Session of the Council is undertaken in specific groups, such as in the case of the legal capacity of people with disabilities, and where there is representation of the Ministry of Justice, legal professionals and representatives of people with disabilities, so as to study, verify and provide the best proposals for legislative reforms derived from the fulfilment of the obligations set forth in the UN Convention.

Setting forth the necessary measures to guarantee the legal protection of people with disabilities represents a challenge for any government whatsoever and this is a subject that will develop in the medium term.

The work being undertaken with those in charge and professionals in the field of justice, through the General Council for Judicial Power, the Bar Association, Crown Prosecution Service, amongst others, is providing the establishment of the necessary measures to support access of people with disabilities to justice, and for this to be free of charge. Likewise, based on this work, modifications of the procedures and practice are being approved for this purpose.

The Permanent Specialized Office (hereinafter OPE) is an organ of a permanent and specialized nature of the National Disability Council that is in charge of promoting equal opportunities, non-discrimination and universal accessibility of people with disabilities. This Office provides advisory services, studies and the analysis of queries or formal complaints lodged by people with disabilities bearing in mind the non-discrimination of citizens with disabilities.

On the other hand, the Arbitral System has been created; this Arbitral System for people with disabilities is the instrument that the Public Administrations put at the disposal of people with disabilities to efficiently solve any complaints or claims that arise concerning equal opportunities, non-discrimination and universal accessibility.

Through this arbitral system the parties voluntarily entrust the decision on a complaint or claim that has arisen to an arbitral organ, which acts with impartiality, independence and confidentiality.

This decision, which is binding to both parties, has the same efficiency as a Sentence.

The advantages of the Arbitral System regarding disability for both parties are as follows:

- Speed, because it is a non-formalist system that is processed in a short space of time. (Maximum four months from when the arbitral procedure begins).
- <u>Efficiency</u>, because it is solved by means of a judgement an arbitration award– of compulsory execution, as if it were a sentence, without the need to resort to the ordinary legal procedure and with no maximum or minimum limit for the amount being claimed.

• <u>Economy</u>, because it is free for the parties that only in certain cases have to pay for obtaining evidence.

For people with disabilities, arbitration regulated under Royal Decree 1417/2006, of 1 December, constitutes the most suitable course so they can assert their rights without encountering the difficulties that normally arise when going through legal channels.

For organizations representing people with disabilities and their families, adhesion to the Arbitral System gives them the opportunity to directly take part in resolving the problems raised in the claims they lodge.

Regarding the interested Sectors, adhering to the Arbitral System directly provides them with the following:

- The possibility of holding an official badge that credits their adhesion
- Appearing in the Register of individuals and legal entities adhered to the System
- The possibility of transmitting this fact in their advertising.

Training of professionals giving legal support to people with disabilities is contemplated in the general Training Plans for judges, public prosecutors and lawyers. Specific modules are being developed on the legal capacity of people with disabilities, and the obligation to provide them as far as possible with access to justice in any situation, including the identification of the necessary support they might need. Furthermore, it is foreseen to extend this type of training to all levels and to intensify what currently exists. In addition, work is being done to incorporate it into the Official Programmes of University Law Studies and into the Schools of Judges, Public Prosecutors and Lawyers by including modules that refer to disability, non-discrimination, accessibility to justice, etc.

# 3. Access to justice

The fifth additional Regulation of LIONDAU sets forth that, within two years from when this law comes into effect, the Government shall establish the basic conditions of accessibility and non-discrimination that, according to what is foreseen in Article 10, public offices must assemble devices and services for the attention of citizens and those participating in public affairs including those related to the Administration of Justice and the participation in political life and electoral processes.

In particular, within this term, the Government shall adopt regulations for people with disabilities that, in general and by applying the principle of serving citizens, are contemplated in Article 4 of Law 6/1997, of 14 April, on the Organization and Functioning of the General State Administration.

Basic conditions of accessibility and non-discrimination shall be compulsory according to the following calendar:

- a) Within three to five years time from when this law comes into force, all environments, products and new services shall be accessible and any regulation, criteria or administrative discriminatory practice shall be corrected.
- b) Within 15 to 17 years time from when this law comes into force, all environments, products and existing services and any regulations, criteria or practice shall fulfil the requirements of accessibility and non-discrimination.

The aforementioned conditions are regulated through Royal Decree 505/2007, of 20 April, which sets forth the basic conditions of accessibility and non-discrimination of people with disabilities for accessing and using developed public spaces and buildings. It guarantees everyone to independently and safely use them so that there are equal opportunities and non-

discrimination for people with disabilities. Likewise, it responds to the need to harmonize and unify terms and parameters, setting forth measures of positive action that favour the normal use of the constructed environment and of urban spaces for such people.

Law 27/2007, of 23 October, by which Spanish sign languages are recognized and the means of support are regulated for oral communication of deaf people, those with auditory disability and the deaf-blind, means a support for the oral communication of deaf people. Deaf people, or their families in the case of children, can choose between sign language and / or oral language, with the necessary support they require for oral communication.

Given its importance and scope, we should emphasize the Collaboration Agreement held since 2002 with the State Federation of Deaf People (CNSE; Confederación Estatal de Personas Sordas). The agreement defines the framework, regime and terms under which collaboration is orchestrated between the Ministry of Education, Social Policy and Sport and the CNSE so that, by working together, they can make it possible for deaf people to have sign language interpreter services for those matters related to exercising citizens' basic rights and, specifically, for deaf people. Equally, the public Administration can connect with deaf people when they demand communication through such means.

Furthermore, there are training modules in the General Training Plans of Judges, Public Prosecutors and Lawyers. When training of personnel at the service of the Public Administration at top levels are organised, matters concerning disabilities, non-discrimination, reasonable assistance and support for taking part are included. It is planned to extend this training to other justice-related professionals.

#### 4. Independent living

In Spain there are data available from the Survey on Disabilities undertaken state-wide by the National Institute of Statistics in 1999. However, this survey does not provide the data requested, as it is based on a "Survey of Homes". A new Survey is currently being carried out. It includes criteria on the International Classification on Functioning and Health (C.I.F.; Clasificación Internacional sobre el Funcionamiento y la Salud) of the World Health Organization. The results will appear in the first half of 2009.

Law 39 of 14 December 2006 on the Promotion of Personal Autonomy and care for people in a situation of dependency, sets forth in Article 1 that the purpose of this Law is to regulate basic conditions that guarantee equality when exercising the civil rights of citizenship, the promotion of personal autonomy and care for people in a situation of dependency, in the terms established in the Law, through the creation of a System for the Autonomy and Care of dependent people, with the collaboration and participation of all Public Administrations and the guarantee of the General State Administration of minimum equal rights for all citizens anywhere in Spain. This Law constitutes the fourth pillar of the welfare state, together with education, health and pensions.

As regards the deinstitutionalisation process, the model used is the permanency of the person in their environment through a network of occupational and day or night centres and assisted apartments for people who need a more specific type of assistance. Access to personal assistance services and accessible apartments or mini-residences is promoted in other cases.

The above mentioned Law 39/2006 on the Promotion of Personal Autonomy and care for people in a situation of dependency has involved, amongst other measures, the recognition of a right to enjoy services that provide support to the families of disabled people and the funding of a personal assistant in the case of people with disabilities who have greater support

requirements. These measures are considered to be fundamental for the promotion of independent life. The transverse treatment of disability is one of the methods that encourage people with disabilities to be included in the community, response system and promoting awareness in using the support necessary for this. Different levels of the Spanish Public Administrations are involved in this new orientation of dealing with disabilities. In this respect, projects carried out by Non-Governmental Organizations have been developed to facilitate the independent life of people with physical, psychic or sensory disabilities.

On 2 December 2008 a Resolution from the Secretariat of State of Social Policy, Families and Care for Dependency and Disability has made known the Agreement of the Territorial Council of the System for the Autonomy and Care of the Dependent on common accreditation criteria to guarantee the quality of the centres and services of the System for the Autonomy and Care of the Dependent. This Agreement allows to accredit the centres and services caring people in a situation of dependency to form part of the network of the System of Autonomy and Care for the Dependent (SAAD; Sistema de Autonomía y Atención a la Dependencia,) so that they can care for people in a situation of dependency. Through this Agreement, requirements and quality standards will be established in the areas of performance, bearing in mind the number of places, the intensity of the features, the typology of resources and the services that must be offered, such as: material resources and equipment that guarantee the service adapted to the person's needs, the intensities, their safety and accessibility. It also regulates the requirements and standards on the human resources that are needed, directed towards guaranteeing the adequate service being rendered, not only regarding the number of professionals, but also their training and update for carrying out their jobs.

At EU level, it should be promoted the exchange of experience and knowledge with regard to performances, in order to improve the independent living of people with disabilities in the various member states, and it should be opened a funding line to promote pilot experiences at national, regional and local level.

#### 5. Voting rights

In Spain the procedure is regulated so that blind people can vote. However, it is foreseen to progressively provide access to the right to vote for all people with disabilities. Procedures are being adapted and the ease with which to vote are being carried out, in compliance with what is set out in the LIONDAU. This includes the obligation to approve a National Plan of Accessibility, containing the accessibility to public buildings, including polling stations.

#### 6. Monitoring mechanism

In relation to the application and follow-up mechanisms set out in Article 33, sections 1 and 2 of the United Nations Convention on the rights of people with disabilities, Spain complies with what is established in section 1. This refers to Governmental Organisms that have assumed applying responsibilities and coordination of the measures stated in the Convention for the National Council on Disability, created in 2004. This inter-ministerial collegiate Organ, which is of a consultative nature, is assigned to the Ministry of Education, Social Policy and Sport and in which the participation of the associative movement of people with disabilities is institutionalized together with their families and the General State Administration, for defining and coordinating a coherent policy of integral attention. In particular, promoting equal opportunities and non-discrimination of people with disabilities corresponds to this Council. To do so, the original responsibilities have been extended through ROYAL DECREE 1468/2007, of 2 November, by which the Royal Decree that regulates the National Council on Disability has been modified, by adding to the functions of

the National Council on Disability that of constituting the organ of reference for promoting and monitoring legal international instruments regarding human rights for people with disabilities, on account of the recent adoption by the United Nations Organization of an International Convention in this sphere.

With regard to section 2 of Article 33, which refers to independent follow-up mechanisms, the final decision is about to be taken, in consideration of the Spanish legal system and its different follow-up and control mechanisms. Therefore, various consultations are being conducted to determine their incumbency. Reports have been requested from the Ministry of Foreign Affairs and Cooperation, the Ministry of Public Administrations and from the State Council.

For their part, the Spanish Committee of Representatives of People with Disabilities (CERMI; Comité Español de Representantes de Personas con Discapacidad) has sent a proposal for appointing a private non-governmental organism to follow-up the Convention in application of Article 33.2. This issue was treated at the extraordinary meeting of the Permanent Commission of the National Council on Disability on 15 September, when it was agreed to request reports on this matter.

For reporting under the UN Convention on Rights of Persons with Disabilities, Spain will adjust to the formats of other similar Reports, which are being used for the follow-up of other UN Agreements. In this context, Spain is collecting some statistics in view of monitoring the application of the Convention through the National Disability Council

## 7. Empowerment of people with disabilities

All projects on regulations and general plans concerning people with disabilities are consulted through the National Disability Council, at which organizations of people with disabilities and their families are represented.

People with disabilities have access to all public means of training that are of interest and; likewise, they have programmes financed by Public Administrations and other collaborators that are undertaken by their Organizations in order to favour their competence and skills.

On the other hand, awareness promotion must be made about the capabilities of these persons who are foreseen throughout this year by Public Administrations and Organizations of people with disabilities. Dialogue is open permanently by these Organizations and those who represent them.

Promoting and economically supporting programmes for the development of competence and organization leaders' skills for especially people with disabilities, in the case of women with disabilities due to their lesser participation at all levels of social life is vital. In relation to women with disabilities, at the High Level Conference on Women and Disabilities held in León on 12th and 13th February the occasion of the Spanish Presidency of the Council of Europe, the Secretariat of State for Social Policy, Families and Care of Dependents and the Disabled together with the Council of Europe have established the "Agenda of León", which gathers the commitment of Spain to promote the presence, participation and leadership of women with disabilities in the political and social sphere, as well as their participation in decision-making.

#### Sweden

#### 1. Accessibility

The Swedish Discrimination Act prohibits discrimination in cases where the employer, by taking reasonable support and adaptation measures, can see to it that an employee, a job applicant or a trainee with a disability is put in a comparable situation to people without such a disability.

The Discrimination Act also prohibits discrimination in cases where an education provider, by taking reasonable measures regarding the accessibility and usability of the premises, can see to it that a person with a disability who is applying or has been accepted for education under the Higher Education Act (1992:1434) or for education that can lead to a qualification under the Act concerning authority to award certain qualifications (1993:792), is put in a comparable situation to people without such a disability.

The Swedish government is investigating the possibility to include discrimination on grounds of inaccessibility on other areas than working life and higher education.

The National Board of Housing, Building and Planning has issued regulations and general recommendations on the removal of easily eliminated obstacles.

Regulations and guidelines to ensure digital accessibility for people with disabilities

(Legislation) The Electronic Communications Act (2003:389) aim at ensuring that private individuals, legal entities and public authorities shall have access to secure and efficient electronic communications. Universal services shall always be available for everybody on equivalent terms throughout Sweden at affordable prices.

If it is necessary for the universal services to be available at affordable prices, the party that is considered appropriate for this may be ordered to, at an affordable price, provide access for people with disability to services according to the same extent and on equivalent terms as for other end-users and satisfy the needs of people with disability for such special services.

Access to universal services shall be safeguarded through procurement by the State if this is called for especially having regard to the costs for the provision of the service or the network.

(Legislation) Discrimination Act (2008:567). The prohibition of discrimination also applies in cases where the employer, by taking reasonable support and adaptation measures, can see to it that an employee, a job applicant or a trainee with a disability is put in a comparable situation to people without such a disability. The provision is applicable in cases concerning the digital work environment.

(Guidelines) The Swedish National Guidelines for Public Sector Websites takes an integrated approach to usability, accessibility and standardization.

The Guidelines support the procurement, development, and maintenance of a website or eService by a public administration so that it offers equal opportunity usage for all citizens. The guidelines contain criteria which cover the entire lifecycle of a website or eService. The guidelines are intended for several target groups and give recommendations concerning strategic planning as well as design, development and administration. As follows from the principle of mainstreaming accessibility, the Guidelines present web accessibility as an integral part of the overall development process.

The Swedish National Guidelines for Public Sector Websites give public sector organisations practical advice and examples on how to procure, create and evaluate websites and eServices in order to improve accessibility, usability, search ability and comply with the international standards and EU i2010 goals. The guidelines have had a huge impact on the accessibility and usability of public websites and eServices in Sweden.

Handisam - Swedish Agency for Disability Policy Coordination has produced guidelines for accessibility - Break the Barriers. www.handisam.se

#### 2. Legal capacity

Physical disability is not a ground for restriction of legal capacity. However, intellectual disability may be a ground for restriction of legal capacity.

If someone, due to a disability, needs help in safeguarding his or her rights or managing his or her affairs a custodian may be appointed. This does not affect the legal capacity of the person affected. However, if it is deemed necessary for the protection of the person, a trustee may be appointed instead. The appointment of a trustee restricts the legal capacity of the individual (see Code of Parental responsibility, chapter 11)

Training for professionals who could give legal support is provided by local municipalities.

#### 3. Access to justice

The Swedish National Courts Administration has adopted an Action Plan to ensure the accessibility of the Swedish Courts. The action plan covers court proceedings and personnel as well as communications and premises. The objective of the Action Plan is that visitors with disabilities shall be able to enter the premises and have access to the reception and the court rooms. Also, there are to be special toilets for disabled persons in connection to these spaces. The goal is for this to be accomplished by the end of 2010.

The Swedish Prison and Probation Service has also presented an Action Plan to meet the needs of the disabled. The Action Plan states that accessibility has to be considered in all construction work and rebuilding. Further an inventory has to be done regarding existing buildings and a local plan for necessary measures will be drafted.

Chapter 5, Section 6 of the Swedish Code of Judicial Procedure stipulates that if a party, a witness, or any other person who shall be heard by the court has a material hearing or speech impairment, the court shall, if necessary engage an interpreter (for sign language). A formal request for interpretation is not necessary. Cost related to the interpretation shall be borne by the Swedish state.

There is no specific training module for police officers regarding the rights of persons with disabilities. On the other hand, there are a number of educations regarding integration and discrimination which might touch upon this issue. Special attention has been given to educate managers and commanding officers in this area, since they have the responsibility to prevent and take action against any kind of discrimination.

The Swedish National Courts Administration does not have a specific training module regarding the UN Convention on the Rights of Persons with Disabilities. In this area, the main focus for initial and continuous training lies on the European Convention on Human Rights. Human rights, discrimination and general communication principles are important focus areas of the judge training courses arranged by the National Courts Administration.

The Swedish Prison and Probation Service Action Plan to meet the needs of the disabled contains both information and educational measures to be carried out within the organisation.

## 4. Independent living

In Sweden, residential institutions began to be closed in the 1980s, and the major part of them was closed before 1999. At most, 16,000 children, young people and adults lived in various care homes around Sweden. Today all have moved to homes in the community. In many cases, this meant that the people moved to the municipality where they were born, or where their relatives lived, or quite simply the municipality where they wanted to live. Evaluations of the move show that it had extremely positive effects, not just for the intellectual disabled individuals themselves, but for their relatives and staff.

The national goals of the disability policy are a social community based on diversity, a society designed to allow people with disabilities of all ages a full participation in the life of the community and equal opportunities for girls and boys, women and men with disabilities. Decentralisation, integration and normalisation are core ideological principles which emphasize the individual's freedom of choice and influence. Central, local and regional governments are jointly responsible for ensuring that people with functional impairments enjoy good health and financial and social security and for improving individuals' chances of leading independent lives. These overarching goals set focus on mainstreamed measures but there are also residential arrangements with special service, which are measures regulated in the Act Concerning Support and Service to Persons with Certain Functional Impairments (LSS) as well as the Social Services Act (SoL). One of the measures in LSS is the personal assistant, which gives opportunities for persons with extensive impairments to participate in the society.

As for initiatives on measuring the quality of services and the impact on the quality of life, the National Board of Health and Welfare (Socialstyrelsen) at the end of 2009 will present a model for a designed system which can be used to describe the living conditions of people with disabilities on a regular basis.

Finally, it is important that the deinstitutionalisation process continues at EU level.

#### 5. Voting rights

In elections relating to the whole of Sweden, each municipality is responsible for voting places being available in the municipality that, as regards opening hours, accessibility and location, provide voters with good opportunities to vote. If a municipality considers that there are special reasons to use as a voting place premises that do not satisfy the requirement on accessibility, the matter shall be reported to the County Administrative Board. The government has full confidence in the municipalities comply with the law as this is a local community issue.

Before 2006, the postal administration was responsible for early voting. However, the number of post offices had decreased and could not provide enough possibilities for the voters to vote in advance and therefore after the new elections act in 2006 the municipalities took over the responsibility for the polling stations and all voting within the country. After the election in 2006 the number of places to vote in advance increased providing a greater variety of places to vote, for example libraries and local shops.

#### 6. Monitoring mechanism

The Government has requested the Delegation for Human Rights of Sweden to prepare a report with recommendations on whether the Swedish Agency for Disability Policy Coordination, the Ombudsman against Discrimination or another State agency should be entrusted with promotion, protection and monitoring of the implementation of the Convention. This issue of involving civil society in the process of monitoring the implementation of the Convention will be included in the report. The report is to be presented on 1 April 2009 at the latest. In the meantime this responsibility lies with existing state agencies in accordance with their respective mandates.

Furthermore, the Delegation for Human Rights and the Swedish Agency for Disability Policy Coordination have recently started a project on indicators for the implementation of certain selected human rights. This project will include at least indicators relating to the rights of persons with disabilities.

#### 7. Empowerment of people with disabilities

The co-operation with people with disabilities and the representative organisation is of great importance. The Government has established a delegation as a forum for mutual information and discussions (according to standard rules 17 and 18). The Minister for Elderly Care and Public Health at the Ministry off Health and Social Affairs, who is responsible for disability policies, is chairing the delegation and it consists of members of the Swedish disability organisations together with state secretaries from seven different Ministries. During the ratification process to launch the UN Convention on the Rights of Persons with Disabilities, a special form of co-operation was organised in order to guarantee the influence from the Swedish disability organisations.

The interacting between the Government and people with disabilities and their representative organisations are being under discussion at the moment in order to develop the dialogue in accordance with the Convention.

In almost all local municipalities there are local councils dealing with disability policies.

The leading principle is dialogue and before any major step is taken in the policymaking process the dialogue intensifies with different kinds of public debates. The Swedish Disability Federation has been granted 5,3 millions SEK from The Swedish Inheritance Fund to run a project with the purpose of raising awareness about the UN Convention amongst people with disabilities, authorities, politicians and stakeholders. The disability organisations are also frequently used as bodies to which a proposed measure is referred for consideration.

#### **United Kingdom**

## 1. Accessibility

The Disability Discrimination Act 1995 (DDA) formally recognised the rights of disabled people and it has been strengthened and improved, most recently through the Disability Discrimination Act 2005 (DDA 2005) and the Equality Act 2006, to provide disabled people with a comprehensive set of enforceable rights in areas such as employment, education, access to goods, services and housing, transport and functions of public bodies. The DDA 2005 also introduced the Disability Equality Duty, which places a positive duty on all public bodies to consider the impact of their policies on disabled people. The UK Government intends shortly to introduce an Equality Bill which will harmonise and extend existing equality legislation, including that on disability.

The DDA 2005 extended and built on the provisions of the 1995 Act in many significant new areas including

- A new duty on public bodies to promote equality of opportunity for disabled people. This supports mainstreaming of equality;
- o Covering all the functions of public bodies not previously covered by the Act;
- Providing protection for disabled local councillors when carrying out their official business;
- Ending the exemption of the use of transport vehicles from the duties of the DDA;
- Allowing the Government to set an end date of 2020 by which all rail vehicles must be accessible;
- Requiring landlords and managers of premises to make "reasonable adjustments" to their policies, procedures and practices and to provide auxiliary aids or services for premises that are to let or let, and to change the terms of a letting for premises that are let.
- o Preventing landlords from unreasonably refusing a request by a disabled tenant or occupier to make an adaptation to their dwelling house;
- o Covering private clubs with 25 or more members;
- o Providing protection effectively from the point of diagnosis for people with Multiple Schlerosis, HIV and cancer; and
- Removing from the DDA definition of disability the requirement that a mental illness must be "clinically well-recognised" before it is judged to be a mental impairment for the purposes of the Act.

Information on the Disability Discrimination Act can be found at:

 $\frac{http://www.direct.gov.uk/en/DisabledPeople/RightsAndObligations/DisabilityRights/DG}{4001068}$ 

The UK has guidelines and voluntary standards covering a wide range of areas e.g.

The "Lifetime Homes" standard which defines standards and guidelines to ensure homes are accessible to everyone. All social housing will be built to these standards from 2011, with the aim that all housing will be by 2013.

Information on the Lifetime Homes standard can be found at:

http://www.communities.gov.uk/publications/housing/lifetimehomesneighbourhoods

Building Regulations in England and Wales impose certain accessibility requirements on domestic and non-domestic buildings. Information can be found in Approved Document M at:

http://www.planningportal.gov.uk/england/professionals/en/400000000988.html

Regulations similarly exist covering Scotland and Northern Ireland.

The "Five Principles for Producing Better Information for Disabled People" sets out guidelines on how disabled people's access to information on public services can be improved.

Information on the five principles can be found at:

http://www.officefordisability.gov.uk/working/improvinginformation.asp

Further guidelines and standards will be introduced, if necessary, as part of normal policy development towards the progressive realisation of Article 9 of the Un Convention.

#### 2. Legal capacity

**Office of the Public Guardian (OPG):** The Mental Capacity Act 2005 (MCA) came into force on 1<sup>st</sup> October 2007. The MCA provides a clear legal framework to empower and protect people who lack capacity to make certain decisions for themselves. It promotes best practice in supporting people who may lack capacity as well as providing guidance to those who care for them, and provides protection and support for those affected by mental capacity issues.

The MCA led to the establishment of the Office of the Public Guardian (OPG) (an executive agency of the Ministry of Justice), the new structure for the Court of Protection and the creation of the Public Guardian Board to scrutinise and review the way in which the Public Guardian discharges functions.

The MCA has five main principles to be followed by anyone who is supporting or working with a person who may lack mental capacity:

- Presumption of capacity: all adults have the right to make their own decisions and it must be assumed they are able to do so unless it is proved otherwise;
- Support for people to make their own decisions: a person must be given as much support as possible to make decisions for themselves. This could involve different ways of communicating and giving information in a way the person can understand;
- Unwise decisions: a person should not be assumed to lack the capacity to make a decision just because others may think their decision is 'unwise';
- Best interests: if a person lacks capacity any decisions made or actions taken on their behalf must be done in their best interests after considering what is known about their preferences; and
- Less restrictive option: the Act makes sure that people who lack capacity are not restricted unnecessarily. The person making a decision or taking action on behalf of someone else must consider whether it is possible to decide or act in a way that would interfere less with that person's freedoms and rights.

There are certain decisions which the Mental Capacity Act does not allow anyone to make on behalf of a person who lacks capacity such as marriage or civil partnership, divorce on the ground of separation, sexual relations, adoption and voting. This is due either to their personal nature or because they are governed by other legislation.

The Ministry of Justice Stakeholder and Communications Team database was developed from the key stakeholders consulted prior to and during the passage of the Mental Capacity Bill. To ensure the widest understanding of the impacts of the MCA a wide range of interactions were undertaken with stakeholders: These included:

- Development of a segmented stakeholder database with 1,100 organisations;
- Working closely with the Department of Health, National Assembly of Wales Government and Office of the Public Guardian to communicate with stakeholder groups about the Act;
- Four public consultations totalling nearly 400 respondents;
- A Code of Practice, issued in April 2007, available via the Stationary Office or downloadable from the OPG website;
- Several informal stakeholder events held around the country to update on progress and receive feedback;
- Bi-monthly newsletter available electronically (approximately 3,000 subscribers);
- Involvement in production and distribution of awareness-raising leaflet;
- Key stakeholders wrote, advised on and helped distribute series of booklets explaining the Act to different audiences;
- Ministerial speeches at key stakeholder events; and
- Over 25 news items and features in national press, broadcast media and specialist journals

Furthermore, Health Care Trusts, Local Authority Social Services and other public authorities provide training on their employees roles and responsibilities under the Mental Health Act.

#### 3. Access to justice

Her Majesty's Courts Service (HMCS): HMCS is an executive agency of the Ministry of Justice with responsibility for the administration of courts throughout England and Wales, including the management of all Crown, County and Magistrates' courts, the Probate Service and the Royal Courts of Justice. To ensure physical accessibility to courts, HMCS overarching approach is, as far as possible, to make reasonable adjustments where these are considered necessary. This may include:

• making physical alterations to the building such as installing ramps or within the building e.g. having signage in large fonts or using Makaton signage.

Alternatively where physical changes are not the best approach, adjustments such as moving the hearing to a more accessible room or to a nearby court may be considered. Court users are encouraged to contact the court staff prior to their hearing or visit to inform staff what type of adjustment may be necessary. During the Financial Year April 2008 to March 2009, £5.7 million has been set aside for reasonable adjustments.

MoJ/HMCS have Departmental Disability Advisors whose responsibilities include auditing the court estate as well as custody suites to establish whether they meet with accessibility needs of disabled people whether customers/visitors, members of judiciary/magistracy, advocates, jurors or staff.

HMCS has a dedicated Disability Liaison Officer who provides guidance and support to HMCS staff and reasonable adjustments and other disability related issues. There is also a dedicated Disability Helpline which provides ongoing/immediate advice to court users on disability and accessibility matters.

Other types of reasonable adjustment which take place include:

- Alternative formats of forms/leaflets issued to blind users;
- Familiarisation visits for disabled court service users;
- Arranging rest breaks during court case to accommodate the needs of disabled court users to enable medication to be taken at set times of day; and
- Providing interpreters for deaf/hard of hearing litigants in Civil or Family court cases<sup>30</sup>.

To understand some of the barriers people experience when accessing the Justice system and processes MoJ has been working on an extensive programme of research which considers the Court Experience of Vulnerable People focusing on adults and includes adults with mental health problems.

Criminal Justice System (CJS): The MoJ Secretary of State (SoS) leads cross-government collaboration to deliver a more effective, transparent and responsive Criminal Justice System for victims and the public. Together with the Home Secretary and the Attorney General, the MoJ Secretary of State is responsible for chairing the National Criminal Justice Board (NJCB).

As well as supporting local criminal justice boards to bring more offences to justice and improve public confidence, the NJCB have specific responsibilities. These include combating inequality and discrimination in the CJS; ensuring the public has confidence that the CJS is effective and serves all communities fairly; and ensuring that victims and witnesses receive a consistent high standard of service from all criminal justice agencies.

Criminal Justice agencies have been working together to better understand Hate Crime including Disability Hate Crime. A consistent definition of Hate Crime has been adopted to improve data collection and address variations in terminology. MoJ and other Criminal Justice Departments are working to introduce standards for staff working on Hate Crime providing them with additional training. Additional measures include the revision of the Hate Crime Manual by the Association of Chief Police Officers (ACPO) and development of True Vision Hate Crime Packs led by the police to inform potential victims of hate crime about support that is available and to encourage reporting. The MoJ has also been working with other Government Departments on initiatives to prevent hate crime including working with the Crown Prosecution Service and National Offender Management Service who lead on addressing offending behaviour.

relative may still be able to attend and provide support, but permission should be sought from the Judge first. If

an interpreter is needed, the court will make arrangements for an interpreter to attend.

<sup>&</sup>lt;sup>30</sup> **HMCS** will meet the reasonable costs of interpreters for deaf and hearing-impaired litigants for hearings in civil and family proceedings. Many people have a friend or relative who usually interpret for them. If the deaf person wants such a person to interpret for them, they will need to ask for permission from the Judge. The Judge must be satisfied that the friend or relative can exactly interpret what is being said to the court and what the court is saying to the deaf person. Unless the relative or friend has a recognised qualification in relaying information between deaf and hearing people, it may be better to use a qualified interpreter. The friend or

**Prisons:** The Disability Discrimination Act 1995 already requires that prison establishments are accessible to disabled persons, and although the age of the prison estate does mean that not all prisons can be accessible to all disabled persons, the aim is to be able to accommodate every prisoner in the appropriate security category, in the right accommodation and with access to the regime and interventions they require. All new builds and refurbishments are required to be accessible and other premises are adapted to improve accessibility. This is an extensive programme of work and will take time to complete.

Furthermore, Policy (Prison Service Order 2855 Prisoners with Disabilities) states that prisoners should receive information in a range of alternative formats and this includes the use of a British Sign Language interpreter when appropriate. There is currently no widespread policy on counselling, but each prisoner's needs are assessed on an individual basis and some will be referred for one to one work or to the Mental Health In Reach team.

**Legal Aid:** The Legal Services Commission (LSC) is a MoJ Non- Departmental Public Body which runs the legal aid scheme in England and Wales with an annual budget of £2 billion. It recognises that access to legal aid is fundamental to promoting social justice by ensuring that clients receive the advice and guidance they need to make informed decisions. LSC delivers legal aid through contracted providers who are required to be responsive to the equality needs of all clients including disabled people.

The Judicial Studies Board (JSB) is directly responsible for **training** full and part-time judges in England and Wales, and for overseeing the training of Lay magistrates and chairmen and members of Tribunals. An essential element of the philosophy of the JSB is that the training of judges and magistrates is under judicial control and direction.

The Equal Treatment Advisory Committee (ETAC) is part of JSB and assists and supports all judges and judicial office holders to recognise the many ways in which social, cultural and other differences may have a bearing on the conduct of cases and the wider judicial role.

Prisons: New entrant training for prison staff includes disability under the diversity module and specific sessions on mental health awareness. A training package on learning disabilities has been developed and is in the process of being delivered to staff from all adult prisons. Adapted training for young offender and juvenile establishments is also being developed. A training package on working with older prisoners is currently being piloted and will be distributed to all prisons holding older prisoners. This covers issues around disabilities that develop with age. There are 9 self-taught health awareness modules which will soon be available through the prison intranet system. Specific issues affecting women are covered in the Women Awareness Staff Programme (WASP) for staff in female establishments. A new national diversity training package covering all diversity strands, including disability, is being rolled out to all staff across the National Offender Management Service during the next eighteen months. Training on legislation and legal responsibilities is also being developed, and further areas of need are being considered. The implications of the UN Convention will be included in updates of training as and when they are commissioned.

# 4. Independent living

The Community Care Statistics 2008, Supported Residents (Adults), England Report presents information on residential and nursing care placements funded by Councils with Adult Social Services Responsibilities (CASSR): <a href="http://www.ic.nhs.uk/pubs/carestats08sr">http://www.ic.nhs.uk/pubs/carestats08sr</a>

As regards the state of play of the deinstitutionalisation process, at 31 March 2008 there were a total of 239,100 permanent and temporary supported residents, a decrease of 4 per cent since 2007. Of the total number of supported residents, 62 per cent were in independent residential homes, 27 per cent in independent nursing homes, 9 per cent in CASSR staffed homes and 1 per cent in adult placements. The number of adult placements is 2,900 at 31 March 2008 which is similar to last year. Of the 236,100 supported residents in registered accommodation, 77 per cent of all supported residents in registered accommodation were aged 65 and over (182,200). The number of residents aged 65 or over in residential and nursing care homes has fallen by 4 per cent in the last year and 14 per cent since 2004. Since 2004 the number of people aged 18-64 with mental health problems in independent residential homes decreased by 8 per cent to 8,500 in 2008. The corresponding number of residents in independent nursing homes fell by 15 per cent over the same period to 2,000 in 2008.

In March 2008 a Five Year Independent Living Strategy was launched. The aim of the strategy is that:

- o disabled people (including older disabled people) who need support to go about their daily lives will have greater choice and control over how support is provided;
- o disabled people (including older disabled people) will have greater access to housing, transport, health, employment, education and leisure opportunities and to participation in family and community life.

Information on the 'Independent Living Strategy' can be found at: <a href="http://www.officefordisability.gov.uk/working/independentlivingstrategy.asp">http://www.officefordisability.gov.uk/working/independentlivingstrategy.asp</a>

Furthermore, the UK launched "Putting people first: a shared vision and commitment to the transformation of adult social care" in December 2007. A key part of this is personalisation, meaning that every person who receives support, whether provided by statutory services or funded by themselves, will have choice and control over the shape of that support in all settings. Information on "Putting people first" can be found at:

 $\frac{http://www.dh.gov.uk/en/Publications and statistics/Publications/PublicationsPolicyAndGuidance/DH 081118}{$ 

As regards initiatives on measuring the quality of services and the impact on the quality of life, the Government sponsored independent Commission for Social Care Inspection looks at the whole picture of social care in England, including social service teams at councils, care homes and care agencies. It regulates, inspects and reviews all adult social care services in the public, private and voluntary sectors. Information on the CSCI can be found at: <a href="http://www.csci.org.uk/">http://www.csci.org.uk/</a>

As for what could be done at EU level, the UK is keen to share information and good practice with other Member States, to aid mutual learning.

#### 5. Voting rights

The Representation of the People Act 2000 provided for help to be given to disabled voters. The 2000 Act also extended to all disabled electors the right to vote with the help of a companion, a right previously only given to visually impaired voters. Provisions in the Electoral Administration Act 2006 built upon these earlier changes. The practical measures include a requirement for local authorities to undertake a review of polling places at least

every four years, and make sure, as far as is reasonable and practicable, that they are accessible to the local community, including those voters who are disabled. Responsibility for designating and selecting polling places (that is, locations or buildings) within an area for use at elections lies with the local authorities, although the delivery of elections is the responsibility of local returning officers. The Ministry of Justice has worked collaboratively with the Electoral Commission and the Department for Communities and Local Government (DCLG) to establish a framework, which enhances the accessibility of the electoral process for all voters.

The MoJ provides grant assistance to local authorities of up to 50% of the cost of temporary ramps to improve access to buildings, which may need them for the purpose of elections. Additional support is available for blind and partially sighted voters. Each polling station now has a special "tactile" voting device - a reusable plastic template that can be attached to the ballot paper allowing blind and partially sighted voters to vote independently without revealing their voting intentions to a third party. MoJ worked with the Royal National Institute for the Blind and other groups representing blind people in the development of the voting device. The 2000 Act provided for large print display versions of ballot papers to be displayed inside the polling station, to help blind and partially sighted voters to cast their votes unaided; and the returning officer must now at an election provide at every polling station an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted. Also, electoral officers are now required to make information and documents about the electoral process available to electors in other languages and formats upon request, including Braille and audio format.

In 2001, postal voting on demand was introduced to encourage greater participation in the electoral process, by giving electors greater choice in the method that they cast their vote. Among other benefits, this has improved access to voting for people who have difficulty getting to polling stations, including people with limited mobility.

The measures which the Government has already introduced for local and UK Parliamentary elections have been mirrored in the legislation which will apply to the 2009 European Parliamentary elections. The Government is keen to ensure that electoral procedures are accessible to all electors to exercise their democratic right.

#### 6. Monitoring mechanism

In the UK the independent mechanism will consist of the existing Equality and Human Rights Commission, the Scottish Human Rights Commission, the Northern Ireland Human Rights Commission and the Equality Commission for Northern Ireland. Information about the Commissions can be found at:

http://www.equalityhumanrights.com/en/Pages/default.aspx

http://www.nihrc.org/

http://scottishhumanrights.com/

http://www.equalityni.org/site/default.asp?secid=home

The UK is considering any formats for the reporting as well as the wide range of statistics already being collected in the UK, and whether additional indicators need to be developed. Discussions on involvement of civil society are being held.

#### 7. Empowerment of people with disabilities

Disabled people and their representative organisations are involved in policy development and decision making in a variety of ways. For example:

Since December 2006, The Disability Equality Duty has required public authorities including government departments, local authorities, governing bodies of schools, colleges and universities, National Health Service Trusts, police and fire authorities and the Crown Prosecution Service when carrying out their functions including policy making, to have due regard to the need to:

- promote equality of opportunity between disabled people and other people
- eliminate discrimination that is unlawful under the Disability Discrimination Act;
- eliminate disability-related harassment;
- promote positive attitudes towards disabled people;
  - encourage participation by disabled people in public life; and
- take steps to meet disabled peoples needs, even if this requires more favourable treatment.

The Disability Equality Duty<sup>31</sup> also requires significant public authorities, including Government Departments, to publish a Disability Equality Scheme which disabled people must be involved in developing.

Equality 2025<sup>32</sup> is a network of disabled people which advises Government on how to achieve disability equality. It was set up in December 2006 in response to the Government report 'Improving the Life Chances of Disabled People'. Equality 2025's members offer a diverse range of skills and experience from a variety of backgrounds. Together, the group has been appointed as an informed source of advice and expertise on disability issues. Each member has been appointed for three years.

The Independent Living Review. A key starting point for this review was that policies should be co-produced<sup>33</sup> with the people whose lives they affect. The review, therefore, developed the Independent Living Strategy through engaging with disabled people and other stakeholders in identifying barriers to independent living and the actions that would help address these barriers. Policy proposals were developed in discussion with disabled people. The project team held workshops on advocacy, older disabled people, young disabled people and disabled parents. The project team talked to groups of disabled people and organisations representing specific interests, including mental health, autistic spectrum disorder, learning disability, etc. Information about the co-production of the Independent Living Strategy can be found at:

We are also discussing with disabled people and their organisations how they can be best involved in the implementation of the UN Convention on Disability Rights.

The Office for Disability Issues<sup>34</sup> (ODI) has been set up to help government deliver on the commitments made in the report, 'Improving the Life Chances of Disabled People'. The report says that by 2025, disabled people should have the same opportunities and choices as non-disabled people and be respected and included as equal members of society.

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<sup>31</sup> http://www.dotheduty.org/

<sup>32</sup> http://www.dotheduty.org/ http://www.officefordisability.gov.uk/equality2025/default.asp

http://www.officefordisability.gov.uk/working/coproduction.asp

http://www.officefordisability.gov.uk/about/aboutodi.asp

The ODI acts as a champion of disabled people within government. It works with all departments to help them better understand and meet the needs and aspirations of disabled people.

#### **European Community**

### 1. Accessibility

Accessibility is one of the pillars of the European Disability Action plan. Since 2003 actions have been under taken in the area of built environment, transport and new technologies including the web.

There are accessibility provisions in sector legislation like for example transport and electronic communication services.

In the area of transport there are regulations addressing the rights of person with reduce mobility in air and rail transport:

- 1) Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air OJ L 204, 26.7.2006, p. 1-9.
- 2) Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations OJ L 315, 3.12.2007, p. 14–41
- 3) Commission Decision 2008/164/ECof 21 December 2007 concerning the technical specification of interoperability relating to persons with reduced mobility in the trans-European conventional and high-speed rail system (notified under document C(2007) 6633), OJ L 64, 7.3.2008, p. 72–207
- 4) Directive 2001/85/EC of the European Parliament and the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, amending Directives 70/156/EEC and 97/27/EC (OJ L 125, 13.2.2002, p.1)

The Commission is also working on legislative proposal in maritime transport and for busses and coaches.

Furthermore, research activities in the area of accessibility to the built environment, transport and new technologies have been in place since the early 90s. The current 7<sup>th</sup> Frame work programme addresses the area of eAccessibility.

In the area of accessibility to the built environment context, the European Commission has supported work, relevant to access to buildings and also in the tourism infrastructures by people with disabilities, undertaken to improve accessibility to the built environment, , trough a number of transnational projects (1). These projects address notably the training of professionals in accessible design (2), the inclusion of accessibility criteria in the public procurement process (3) or the development of tools for carrying out a detailed accessibility audit of buildings (4). In this context the Commission has published a brochure "Improving information on accessible tourism for disabled people" to support hotel owners to assess accessibility of facilities:

http://europa.eu.int/comm/enterprise/services/tourism/index\_en.htm

In the area of new technologies is important to mention 4 Directives that address disability matters and that provide for possibility to address accessibility matters either in the terminals, the networks, the services including broadcasting services:

- -Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity
- -Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)
- -Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)
- -Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities

Furthermore in the area of the eAccessibility the commission has issued 2 Communications on eAccessibility in 2005 and 2007 addressing key actions like:

- support knowledge and practice in Design for All through the Edean network and the development of an European curriculum for Design for all,
  - -develop accessibility standards
  - -implement web accessibility in public web sites in Europe

The 2006 Riga Ministerial Declaration on "ICT for an inclusive society", reflects the agreement that all public web sites should be accessible by 2010. The Commission is monitoring the progress in this domain.

In the area of standardisation is important to mention that the Commission has issued 2 standardisation mandates in support of European accessibility requirements for public procurement of products and services in the area of information and communication technologies (ICT),<sup>35</sup> and the built environment.<sup>36</sup> The results of the first phase of Mandate 376 are available and identify a set of standards for accessibility as well as various methods to assess conformity with those standards when purchasing ICT.<sup>37</sup>

These standards when available will contribute to the harmonisation of accessibility across Europe.

European Commission, Standardisation Mandate to CEN, CENELEC and ETSI in support of European Accessibility requirements for public procurement in the built environment, M/420 EN, 21 December 2007.

European Commission, Standardisation Mandate to CEN, CENELEC and ETSI in support of European Accessibility requirements for public procurement in the ICT domain, M/376 EN, 7th December 2005.

European accessibility requirements for public procurement of products and services in the ICT domain (European Commission Mandate M 376, Phase 1) CEN/BT WG 185 & CLC/BT WG 101-5 Report on "Conformity assessment systems and schemes for accessibility requirements"

The Public Procurement Directive allows for the integration of social considerations and specifically states the use of "Design for All" and accessibility requirements whenever possible in the technical specifications in the contract documentation for public bids. This will contribute to removing barriers to the participation of people with disabilities and facilitate their inclusion in the society.

Directive 2004/18/EC of 31 March 2004 of the European Parliament and of the Council on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts,

Finally the General Regulation (No 1083/2006) on the European Regional development Fund, the European Social Fund and the Cohesion Fund places emphasis on addressing the issue of accessibility in its Article 16;"The Member States and the Commission shall take appropriate steps to prevent any discrimination on the basis of gender, race or ethnic origin, religion or belief, disability, age or sexual orientation during the various stages of implementing the Funds and, in particular, access to them. Accessibility for disabled persons shall be one of the criteria to be observed in defining operations co-financed by the Funds and to be taken into account during the various stages of implementation".<sup>38</sup>

The Commission has made a toolkit for using EU Structural and Cohesion funds and Ensuring accessibility and non-discrimination of people with disabilities.

# 2. Legal capacity

Even that the European Community does not have competence in this area, it recognises the crucial importance of Article 12 of the UN Convention for full enjoyment of all human rights by the persons with disabilities and their independence.

That is why, the Commission requested the Academic Network of European Disability experts (ANED) that was established in 2008 to provide scientific support and advice for its disability policy Unit to work on the report that will review national legal framework and implementation of policies in support of independent living for people with disabilities. Substantial part of the report will focus on existing legal framework on legal capacity of persons with disabilities and existence of practical supports in exercising it. In this context, particular attention will be given to situation of professional and family carers including their support. The report will include recommendations to the Commission (as well to other relevant actors) on priorities for future policy and research development.

Furthermore, the Commission will use the High Level Group meetings as a platform to share good practices and will invite Member States to intervene on the subject of legal capacity.

# 3. Access to justice

The European Community does not have competence in this area; the Member States remain responsible for the procedural law and therefore ensuring access for persons with disabilities to justice.

<sup>&</sup>lt;sup>38</sup> Article 16 of the COUNCIL REGULATION (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999, OJ L 210, 31.7.2006, p.25

However, pursuant to Article 300.7 of the Treaty establishing the European Community, once concluded the UN Convention will be binding on the European institutions. Therefore the procedures in order to guarantee effective access to the European Court of Justice will need to be screened..

The Commission will use the High Level Group meetings as a platform to share good practices and will invite Member States to intervene on the access to justice.

## 4. Independent living

Over the past recent years, the issue of independent living and institutional care reform has been developed within the framework of several policy initiatives led by the European Commission.

In 2003, within the framework of the European Year of People with Disabilities, the project "**Included in Society**" was supported, aiming at analyzing the conditions in and prevalence of large residential institutions for people with disabilities in Europe. Information on the living conditions in large residential institutions in 25 European countries were collected, creating the basis for policy recommendations addressing the need for more community based services for disabled people.

In 2007, within the framework of the Community action programme to combat discrimination 2001/2006, the study "**Deinstitutionalisation and community living – outcomes and costs**" was supported. The study aimed to bring together the available information on the number of people with disabilities living in residential institutions in 28 European countries, and to identify successful strategies for replacing institutions with community-based services, paying particular attention to economic issues in the transition.

The EU Disability Action Plan 2003-2010, by means of mainstreaming the principles of non-discrimination and accessibility in all the EU policies, has contributed to raise the issue at European level of access to quality care and community-based services for people with disabilities. The Disability High Level Group on 12 October 2007 issued a position paper on quality of Social Services of General Interest. The position paper provides an understanding of what quality of these services means and describes a practical quality framework at EU level, based on human rights and total quality management.

The issue of independent living is also taken into account within the **Open Method of Coordination on Social Protection and Social Inclusion (OMC)**, which provides a framework of political coordination for Member States to identify and promote their most effective policies with the aim of learning from each other. The most recent **Joint Report on Social Protection and Social Inclusion** presented in 2009 highlights the need to reaffirm commitment to ensure universal access to high quality and affordable long-term care. It is reported that dependent people across EU prefer long-term care in a residential or community setting rather than institutional care, but in many countries institutional care still accounts for more than half of public expenditure. The report shows that there is a trend from centralisation to de-institutionalisation and service provision closer to the citizen. However, progress tends to be slow, and it seems important to strengthen the financial resources allocated to support this process. Structural Funds are sometimes used to help revamp the crumbling system of residential institutions, and it should be looked at how this can be prioritised and strengthened in coming years. The Joint Report also points to the widespread consensus on the need to devise ways to support family or informal carers.

Finally, in March 2009 an **Ad Hoc Expert Group on Institutional Care Reform** was created by the Commissioner for Employment, Social Affairs and Equal Opportunities. The task of the Group

is to promote the desirable development from residential institutional care to more individualised community-based care, in relation to the four main categories of users who are usually dealt with separately: persons with disabilities, the elderly, children, persons with mental health problems. The experts are representatives of major pan-European or trans-national civil society organisations which deal with the issues of deinstitutionalisation and reform of institutional care. The main product of the Group shall be a stock-taking report including: recommendations of a general nature concerning the processes of institutional care reform in Member States, with specific attention to the potential of the EU Structural Funds; specific recommendations addressed to the European Commission with the view to identify where the Commission can at present support favourable development in institutional care reform, where it should be able to do so if it took initiative, and finally where there are knowledge gaps which need to be addressed by a future study.

## 5. Voting rights

Notwithstanding that the elections to the European Parliament will be organised in the Member States according to their national procedures, the European Community tries to use this opportunity to foster the effective implementation of Article 29 of the Convention.

The European Commission used the European Day of People with Disabilities conference to present accessible voting booths that were used during the recent US presidential elections as well as the meeting of the High Level Group as a platform to share good practices, where dr John Gill, the Chief Scientist at the Royal National Institute of the Blind (UK), presented various issues related to accessibility of voting systems, including voting procedures, facilities and materials, the right to vote and questions of assistance for people with disabilities when they are voting. His presentation focused on accessibility of voting machines. He referred to various legislations existing across the EU and pointed at practical solutions for accessibility.

The European Parliament Disability Intergroup dedicated its meeting on 10 February 2009 to participation of voters with disabilities in the electoral processes. The invited speakers discussed the steps that must be taken to reflect the concerns of disabled people – such as the right to equal access to education, employment or goods and services - in the electoral programmes, as well as the requirements on physical accessibility of electoral campaigns and voting.

### 6. Monitoring mechanism

The Convention requires the parties to ensure its implementation and monitoring. It obliges the parties to designate one or more focal points as well as to maintain, strengthen, designate or establish a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor its implementation. Furthermore pursuant to the Convention, the parties shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related actions in different sectors and at different levels

The Commission proposal<sup>39</sup> for the Council Decisions on the conclusion by the European Community of the UN Convention responds to these obligations. It establishes the Commission as a focal point for matters of the Community competences and allows the Community institutions to establish a coordination mechanism. It also gives a mandate to the

<sup>&</sup>lt;sup>39</sup> COM (2008) 530 final/1, Article 3

Commission to work on the proposal on the designation or establishment of a framework, including one or more independent mechanisms to promote, protect and monitor implementation of the Convention within the extent of the Community competences.

In order to ensure proper monitoring the collection of data is crucial. In this context and within Eurostat's annual work programme, activities in the European Statistical System (ESS)<sup>40</sup> will continue on further developing – through Partnership Health and in cooperation with international organisations – **Community statistics on disability and social integration** in order to provide the relevant and comparable statistical data needed to monitor the situation of people with disabilities.

More detailed statistical data on disability are also needed as part of health information in order to respond to the specific requirements inter alia those that result from the **Programme of Community Action in the field of Public Health (2003-2008)**<sup>41</sup>. Health information at Community level covers data ranging from health status - including disability – to health determinants, including demography, geography and socio-economic situations, personal and biological factors, and living, working and environmental conditions, paying special attention to inequalities in health. The development of the statistical element of health information is also integral part of Eurostat's annual work programme, with activities carried out in the context of Partnership Health and in cooperation with international organisations.

In general, the aim of producing comparable data on disability and on integration of people with disabilities into society can be achieved only by means of surveys that make use of common instruments. Health Interview Surveys (HIS) and Disability Interview Surveys (DIS) are widely accepted instruments that could provide comparable data for topics related to health, disability and social integration.

However, the main work related to disability statistics in 2007-2008 has been focused on development of

- 1) European Module on Disability and Social Integration (EDSIM). The project coordinated by the University of Leicester (UK) for the development of a specific EDSIM was finalised in June 2008
- 2) **2011 LFS ad-hoc module on employment of disabled people**. The proposal was prepared by a Task Force. The aim of the module thus is to measure the extent of disabled people's participation in the labour market (and not to measure the prevalence of disabilities in general) following the current understanding of disability, in particular: 1) Limitation in work participation (in amount, type of work and transport to and from work) (3 variables), 2) Limitation in work participation related to health conditions or diseases (1 variables), 3) Limitation in work participation related to carrying out basic activities, 4) Use of or need for special assistance at work.

The common feature of these two actions is that the effort was made to incorporate/transfer the new concept of disability into questions and variables proposed. During the last three decades the conceptual approaches to the measurement of disability has changed. Three

<sup>41</sup> Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008), OJEC L 271/10

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European Statistical System, see: <a href="http://epp.eurostat.ec.europa.eu/portal/page?">http://epp.eurostat.ec.europa.eu/portal/page?</a> pageid=1153,47169267,1153\_47183518&\_dad=portal&\_schem\_a=PORTAL

milestones in that evolution have to be mentioned 1) the medical model<sup>42</sup>; 2) the social model<sup>43</sup> and 3) the biosocial model<sup>44</sup>. The biosocial model incorporated into the International Classification of Functioning, Disability and Health (ICF, WHO 2001) attempts to bridge the gap between the medical and social models. The biosocial concept was followed also by the UN Convention on the Rights of Persons with Disabilities.

# 7. Empowerment of people with disabilities

In line with the principle of the EU Disability Strategy: "nothing about people with disabilities without people with disabilities" as well as with the Convention's obligation<sup>45</sup> to consult and involve representative organisations of disabled people when implementing the UN Convention and the Commission ensures participation of persons with disabilities, their families, their European representatives and relevant stakeholders in developments of disability policies.

People with disabilities are consulted through different tools, such as, communications, consultation documents or participation in expert groups. Representatives of civil society are full members of the High Level Group on Disability where they have possibility to raise their concerns, contribute to discussions, and co-draft policy documents.

Consultation process will be further enhances in development of the new Disability Strategy.

The yearly conference presents interested individuals and organisations advocating the rights of people with disabilities the opportunity to address their views to the European decision makers. In addition to the thematic discussion the conference expresses political commitment and offers networking possibilities. As the conference is organised by the Commission in partnership with EDF the positions of people with disabilities are considered at all stages.

The Community also recognises that the empowerment of persons with disabilities needs sufficient financial support.

The European Social Fund supports, among other things, projects to promote independent living, through staff training and modernising care systems.

Furthermore, the Commission supports to running costs of various European organisations which have as their primary objectives to represent the interests of disabled people at Community level as well as organisations active in promoting equal opportunities for people with disabilities.

The Community recognises the strength of European networks that lies in their capacity to gather and mobilise relevant members from different Member States into an open forum of discussion or exchange of expertise and experience able to inform and influence policy-making, as well as relaying EU action vis-à-vis network members.

<sup>45</sup> Article 4.3

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<sup>&</sup>lt;sup>42</sup> Disability regarded as 'a restriction or lack of ability to perform normal activities, which has resulted from the impairment of a structure or function of the body or mind (concepts and definitions based on the medical model resulted in the International Classification of Impairments, Disabilities and Handicaps (ICIDH) in 1980

<sup>&</sup>lt;sup>43</sup> Disability results from interaction between individuals and non-inclusive society

<sup>&</sup>lt;sup>44</sup> The ICF (WHO 2001) states that disability is a complex phenomenon that is both a problem at the level of a person's body and a complex and primarily social phenomenon i.e. it is a disadvantage experienced by an individual resulting from barriers to independent living or educational, employment or other opportunities that impact on people with impairments, ill health or activity limitations (difficulty seeing, hearing, walking ..)

Civil society has an important contribution to make towards effective implementation of the UN Convention. Making a difference requires a sustained, cohesive coalition capable of mobilising and analysing information, making that information available to key actors and mobilising many sources of influence. Representative organisations are in a central position to influence policy in the European Community and in the Member states through their national members. Influence is gained through the increased expertise and information which are important to policy formulation and implementation.

## **Civil society**

# 1. Accessibility

The European Association of Service providers for Persons with Disabilities (EASPD) advocated for the provision, in all tender exercises, of two disability related practices that would improve accessibility for people with disabilities and that are currently followed in the UK: the Disability Equality Duty (DED): every public authority should ensure that public money is not spent on discriminatory practices or perpetuating disadvantage and exclusion of disabled people, but instead is used to support equality of opportunity, greater independence and fuller participation of disabled people. The DED on the public sector applies to public bodies in all their roles, including as purchasers of goods and services, so public bodies are required to tackle discrimination and promote equality through their procurement activity. The DED requires public bodies to involve disabled people in the drafting of a Disability Equality Scheme, including an Action Plan. The second best practice is centered on the concept of Design for All, i.e. the design of accessible products and services so that they can be used by all users, including disabled and older people, without the need for adaptation or specialised design. Through their public procurement practice, authorities, both local and national, should be urged to promote Design for All so as to encourage providers of goods and services to design accessible solutions, thus ensuring greater inclusion at no greater cost. The inputs outlined in this section make reference to articles 3, 9, 19, 21, 27 of the Convention.

Furthermore, EASPD prepared a training module on the UN Convention addressed to managers working in organisations providing services for people with disabilities. The training module is available in audio format, in English, German and French on the EASPD web site: <a href="http://www.easpd.eu/Library/tabid/4954/Default.aspx">http://www.easpd.eu/Library/tabid/4954/Default.aspx</a>. This initiative aims at making documents available for people with visual impairments.

EASPD has also produced an Easy to Read version of the Disability Action Plan of the Council of Europe, in English and French, which is also available on the organisation's website: <a href="http://www.easpd.eu/Library/tabid/4954/Default.aspx">http://www.easpd.eu/Library/tabid/4954/Default.aspx</a>. This initiative aims at making this important document accessible to people with learning disabilities.

Also, ImPaCT in Europe, a project on ICT and Assistive Technology aims to raise awareness of the benefits of Person Centered Technology (PCT), i.e. technology specifically designed around the needs of the individual for disabled people and their carers that improves quality of life and opens up potential employment opportunities for the individual. The final aim is therefore intended to specifically address the objectives set in the UN Convention and the Council of Europe and EU Disability Action Plans as regards full participation of people with disability in society, their right to "relevant...technology to ensure the best possible health" (Council of Europe Action Line No 9), UN Convention articles 9, 19, 26.

<u>European Disability Forum (EDF)</u> is working actively with ANEC, the Consumer organisation in standardisation, to promote legislation on web and e-accessibility. A common position was published last year. Unfortunately, contrary to what was previously announced no legislation on web accessibility was proposed. EDF will continue to push for this issue, which is gradually being tackled at national level, and where the proliferation of rules and standards risks furthering undermining accessibility in this area.

The <u>European Platform for Rehabilitation</u> (EPR) organised a workshop on community based services, during which service providers from different EU member states, discussed and shared information on technological aspects of inclusive housing services. This part of the seminar focused on presentation of assistive technologies, distance care and home automation

EPR is currently involved as a partner in a 7FP project 'ÆGIS – Open Accessibility Everywhere. Groundwork, Infrastructure, Standards'. The project aims to introduce open accessibility: develop groundwork, create infrastructure and establish standards for desktop applications, web applications, mobile applications and mainstream consumer devices (including mobile phones, PDAs, TV, set-top-boxes.

EPR will still during 2009 organise an information seminar on Accessibility of websites involving IT experts to enhance the accessibility of website and IT Tools according to the specific needs of service-users with disabilities.

EPR will during the last quarter of 2009 organise an information seminar on domotica and the use of assistive technologies to make services more accessible for people with disabilities. The training will aim to increase awareness on opportunities offered by assistive technology, to enhance accessibility and independent living and to disseminate information on existing tools and practices.

# 2. Legal capacity

Promoting understanding of the Convention in its membership and towards decision-makers at European and national level <u>European Disability Forum (EDF)</u> has disseminated regularly material on the Convention to its members, as well as information on work at UN level. On legal capacity, EDF started discussions on the interpretation and implementation of Article 12. The paper has not been finalised yet. Discussions have already taken place at its General Assembly and Board meetings.

### 3. Access to justice

### 4. Independent living

The role of family members in supporting independent living cannot be forgotten. By the end of 2009, <u>COFACE</u> is going to deliver an assessment of the family dimension of the UN Convention, article by article, as well as some recommendations for a family approach in the implementation of the UN Convention. The end product will be published as a brochure directed at COFACE members, policy makers and other NGOS. As part of disability mainstreaming, it will stress the impact of the UN Convention on family policies for the years to come. It was noted that the UN Convention remains not very well known by people outside the disability field, therefore this effort to raise awareness will be one key priority of COFACE for this year.

The European Association of Service providers for Persons with Disabilities (EASPD) has been actively involved in promoting the development of community-based settings and person-centered services within its membership and in a broader European context. EASPD's work in the field of de-institutionalisation aims at promoting the organisation of services that are informed by a close cooperation between authorities, users and providers. Services should aim at social inclusion and be designed around the needs of each individual. A further objective is to improve cooperation between specialised and mainstream services so that the latter can benefit from the experience of the former. It is in this framework that EASPD participates in the Ad Hoc Group on Institutional Care Reform created by the Commissioner

for Employment, Social Affairs and Equal Opportunities in order to promote the shift from residential, institutional care to more individualised, community-based care. This is in line with the provisions of article 19 of the Convention.

EASPD has provided contributions to the European Commission on the consultations launched for the preparation of Guidelines on Social Considerations in Public Procurement. EASPD's inputs were focused on the necessity to understand the specific characteristics of social services so that adequate considerations can be put into place to ensure that social services can function in an adequate way, so as to offer individualised, high quality services embedded in the local communities.

EASPD published a position paper on strategies facilitating the development of community-based settings and person centered-services, published in April 2009 and presented to the High Level Group on Disability. Again, this is in line with the provisions of article 19 of the Convention.

EASPD is also involved as an expert organisation in the work carried forward by DG REGIO and DG EMPL on the pilot project on de-institutionalisation and development of new types of services in Bulgaria.

EASPD organised a conference on the role of faith and religion in service provision in Berlin on 27 to 29 November 2008. The Conference was about faith, religion and beliefs in service provision for persons with disabilities. The conference was an opportunity to reflect on the fast-paced changes of modern society, such as globalisation, technological advancements, changing patterns in family life and very significant demographic changes, like the ageing of the European population, that have modified the face of our continent in a dramatic way. The conference was underpinned by the principles of article 21 of the Convention. The way in which faith, religion and cultural backgrounds influence the life of people with disabilities were taken into consideration while also addressing the viewpoint of service providers.

EASPD's policy to strive towards employment of people with disabilities on the open labour market and to facilitate – if possible – the conversion from sheltered to supported employment will continue in 2009. The overall objective is to improve the employment opportunities for people with disabilities and to ensure the right to work on an equal basis with others, so that they can lead more independent lives. Important steps have been taken in the past years to build more structural relationships with employers and unions. It is in this framework that EASPD is organising a Conference on Employment that will take place in June 2009 in Thessaloniki. The starting point of the conference will be the EC Employment Directive, the State Aid Regulation and the EASPD paper on Supported Employment presented to the High Level Group. This Conference, during which participants from Cedefop, ILO, the Association of Research and Training in Integration in Europe (ARFIE) and ETUC will be present, will focus on the role of vocational training, on a better understanding of the UN Convention and the EU's objective in the field of employment. All these issues will be tackled by referring to the provisions of article 27 of the UN Convention, related to work and employment of persons with disabilities.

PASS IT ON is a two year project on raising awareness on the employment of people with disabilities. PASS IT ON is a dissemination and exploitation of results project of which EASPD is the coordinator. The project partners will disseminate the summary compilation of training materials from four formers projects dealing with employment and education with the aim of promoting employment of people with disabilities. Seminars in five South Eastern European countries will be organised in 2010 to promote the project materials, the principles

of which are based on the article 27 of the UN Convention and the Council of Europe Disability Action Plan, Action Line 5.

EASPD is also a partner in All Inclusive, a project that focuses on migrants with disabilities (who often experience double discrimination) and their families, disability experts and institutions in the disability sector.

Access to high quality services has a very big impact on the empowerment of people with disability and ultimately on the possibility they have to lead fulfilling lives, based on their freedom to choose the care services and living arrangements they feel most suited to their needs. This is why EASPD has contributed to the development of the "9 Principles to achieve quality social and health services" document. EASPD contributed to the drafting of these principles with a task force led by the Social Platform.

EASPD, toghether with LUCAS, the Centre for Research and Consultancy in Care, is currently running a study as part of Cedefop's work on Quality Assurance in Vocational and Educational Training. The study is carried out in co-operation with EPR and Workability Europe and aims to bridge the current qualification gaps between the qualification profiles of the social care staff and the demands of a sector under rapid social, economic and policy changes.

Believing that the right to live independently is a precondition to a full participation in society for people with disabilities, the <u>European Platform for Rehabilitation</u> (EPR):

- organised a seminar to exchange good practices and information on new solutions of living and accommodation facilities for people with disabilities. The seminar dealt with inclusive housing methodologies (e.g. how to offer living and accommodation facilities to people with and without disabilities, to people of all ages and all diagnoses and what services can be provided to facilitate their integration in the community) and organisational aspects (e.g. the logistical and financial implications of the presented practices and the financing resources) as well as professional development (e.g. how to deal with the multiple competences required from the staff and management of human resources)
- facilitates a learning partnership between some of its members on community-based day care activities. The objective is to gain a better understanding on how to establish the dialogue with the person with a disability in order to design an individual plan aiming at inclusion in the society and integration in the community.
- promotes the International Classification of Functioning, Disability and Health (ICF) as a way to enhance a person's functioning, minimise activity limitations and maximise community participation. To do so, EPR organised a learning group and will continue this awareness-raising producing also an analysis paper and organising additional benchmarking groups and in-house seminars.
- organised a training seminar on aging and disability. The ultimate goal was the autonomy, independence and quality of life of the ageing people thanks also to the use of appropriate technology (ambient assisted living technologies) as an important support to maintain a longer period of autonomy and to improve the quality of life. EPR should maintain the issue on the agenda by exchange of experiences (residential and non-residential solutions), promoting the development of new approaches including cooperation with mainstream facilities.
- focuses on person-centred services, in particular on training its members on how to design/implement individual rehabilitation plans and how to organise cross-departmental cooperation to ensure a smooth continuum of service-delivery.

## 5. Voting rights

European Disability Forum (EDF) has launched a campaign on the accessibility of the European Parliament elections in December 2008, which will run until end of 2009. The campaign aims at ensuring the right to vote for all European citizens with disabilities, including through addressing accessibility at polling stations, information on vote, and information from political parties, candidates and electoral debates. It also aims at raising awareness of the relevance of decisions at EU level for persons with disabilities and their families thus encouraging on one hand persons with disabilities to vote, and on the other hand political parties and candidates to give due attention to issues relevant for persons with disabilities.

The campaign started with the adoption of a manifesto of the movement of disabled people that highlights 10 priorities for action:

- the right to equal access for voting and participation in electoral campaigns
- a European Parliament for All guaranteeing full and equal accessibility of its facilities and ensuring equal opportunities in employment
- the swift ratification and the implementation of the UN Convention on the rights of persons with disabilities
- a comprehensive disability Pact setting objectives and targets at European and national level
- the right to participate to the EU decision-making process and to mainstream disability rights across all areas of EU and national policies
- the right to equal access and opportunities in education
- the right to equal treatment in employment
- the right to social protection, social security and a decent income
- the right to live independently in the community and make our own choices in life
- the right to access goods and services, public transport, public infrastructure, communication and information tools

It is disseminated through a dedicated website, <u>www.disabilityvotescount.eu</u> that includes information on measures to be taken to make elections accessible, information to candidates, and local authorities, as well as information of rights of voters with disabilities. There is also country by country information on elections. The website also now includes interviews to political party leaders on disability, and a spot on accessibility of elections. The website is in English and French, but main information is available in all EU languages. Easy to read text is translated in all languages.

### 6. Monitoring mechanism

The European Association of Service providers for Persons with Disabilities (EASPD) participates as a partner in a study on "Challenges and good practices on the implementation of the UN Convention on the Rights of persons with disabilities". This study's objective is to provide help and long-term guidance to Member States, the EU, and various stakeholders on implementing the UN Convention by carrying out a detailed analysis of the obligations set out by this international treaty as well as gathering information on the various practices in implementing the UN Convention, from a legal and practical viewpoint, identifying challenges and measures to help achieve the UN Convention's objectives.

<u>European Disability Forum (EDF)</u> has promoted regular exchanges of information among members on the implementation of the Convention and provided guidance tools prepared with International organisations. EDF has also encouraged members to participate in the

drafting of the progress report for the High Level Group with members of the relevant national ministries. In a few countries this has been the case, and we welcome this. Moreover, EDF is preparing a review of the main problems and challenges in the ratification and implementation of the Convention at national level, which will be published before the summer. EDF has already identified the following issues that are common to several countries and at EC level:

- problems in translation in national languages of terms in the Convention
- limited or lack of involvement in all stages of the ratification and implementation process of the UN Convention as required by the Convention
- limited revision of national laws and regulation, proposals for reservations sometimes related to the purpose and object of the Convention
- countries not signing the Optional Protocol, preventing their residents with disabilities to address issues at the Committee when all appeal possibilities have been exhausted at national level.
- still limited awareness raising on the Convention

EDF has also started to prepare training to its members on the role of the CRPD Committee, its functioning, and how to prepare shadow reports. EDF is involved in the Steering and Scientific Committee for the study promoted by the EC on the implementation of the UN Convention. Finally EDF is also cooperating with the European Foundation Center within the Consortium on Foundations on the implementation of the UN Convention launched last April at the European Parliament and some further common activities have been foreseen.

# 7. Empowerment of people with disabilities

The European Association of Service providers for Persons with Disabilities (EASPD) addresses the issue of empowerment of people with disabilities by various activities taken.

- EASPD issued a position paper on the proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, calling explicitly, among other things, to include a right to receive social support services, making reference to articles 4 and 26 of the Convention.
- EASPD also published a position paper on the new General Block Exemption Regulation calling for higher and better employment opportunities for people with disabilities, and for disabled workers to receive the support they need in order to be able to choose, find and keep a job on the open labour market (see article 27 of the Convention).
- In the course of 2008, EASPD has met with MEPs of all major political parties active at European level to discuss their electoral programmes for the upcoming elections at the European Parliament and to introduce the priorities of social service providers for people with disabilities in Europe. Issues such as their plans on the implementation of the UN Convention, the role of social and health service providers in Europe, public procurement of social services were discussed. The content of articles 3, 9, 19, 21, 27 of the Convention informed this work.
- EASPD prepared a training module on the UN Convention addressed to managers working in organisations providing services for people with disabilities.

- EASPD organised a conference on innovative practices for service providers for persons with disabilities on 3 to 5 April 2008, in Brussels, Belgium. The conference provided an opportunity for participants to interact with organisations from Canada and the USA who have extensive experience of addressing self-determination, family leadership, innovative service provision and personalised funding in order to make inclusion a reality, from local, family and community perspectives. This is in line with article 19 of the Convention.
- Also EASPD is organising a Conference on Employment that will take place in June 2009 and that will focus on the role of vocational training, on a better understanding of the UN Convention and EU's objective in the field of employment.
- EASPD supports the implementation of the UN Convention by promoting a comprehensive and holistic approach to employment in the open labour market.
- Participation in a fair and inclusive educational system is an important pre-requisite for people with disabilities to be employed in the open labour market. This is why EASPD is organising a conference on "Inclusion, a school for all" that will be held in Dublin in November 2009. The conference will address the question of inclusion in mainstream schools and subsequently in adulthood. The conference will strengthen EASPD's commitment to the implementation of the UN Convention's principles on inclusive education. Starting points of the conference will be the Salamanca Statement, outcome of a UNESCO conference held fifteen years ago, and articles 24 and 27 of the UN Convention. It is fair to recall that EASPD is also addressing the issue of empowerment of people with disabilities by coordinating the project PASS IT ON, aiming to raise awareness on the topic of employment of people with disabilities in the open labour market
- EASPD will also continue to organise Provider Fora and Stakeholders Fora. The overall objective of these events is to set up sustainable local and national networks / umbrella structures able to voice the concerns of service providers for people with disabilities, cooperate with peers from other regions or countries and bridge the gap between the local and European levels in close cooperation with EASPD. They also offer an opportunity to inform service managers and leaders on the values and principles of the UN Convention as well as the European Union's and the Council of Europe's Action Plans on Disability.

The <u>European Disability Forum (EDF)</u> is the biggest European independent non-governmental organisation that represents the interests of 50 million disabled people in the European Union and stands for their rights. EDF's mission is to promote equal opportunities for disabled people and to protect their Human Rights, making sure that no decisions concerning disabled people are taken without disabled people the European Disability Forum plays a key role in ensuring that all relevant European Union policies and initiatives take disabled people into account.

Furthermore, EDF is contributing to the consolidation of the international disability movement through the establishment of the International Disability Alliance CRPD Forum. This network brings together main Organisations of Persons with Disabilities at international and regional level, as well as allied organisations. EDF has been in particular active in proposing new terms of reference and an action plan, which will ensure to have a very effective alliance able to interact effectively on a day to day basis in UN work, and constitute an important resource for its members. In particular it is worth mentioning the following documents: policy papers on the role of conference of State parties, criteria for the nomination and selection of candidates to the Committee on the rights of persons with disabilities, questionnaire to the candidates and publication of responses, submission to the office of the High Commissioner for human rights thematic study, on the legal measures

required for the ratification and implementation of the CRPD, following the resolution adopted by the Human Rights Council. All these documents are available on: <a href="http://www.internationaldisabilityalliance.org/forum.html">http://www.internationaldisabilityalliance.org/forum.html</a>

The <u>European Platform for Rehabilitation</u> (EPR) believes in empowerment as the 'ability to steer one's own process'. This is an absolute condition for putting in practice the principles of 'user-involvement' and 'user-participation'. Moreover, experience has shown that empowered people with disabilities that are able to make their own choices, lead to higher success rates of rehabilitation and reintegration.

The EPR is currently training its members in using two instruments enhance empowerment of people with disabilities ('Vrijbaan' method) and the make service providers more 'empowering' ('Request' method) The attractiveness of Vrijbaan and REQUEST is that they succeeded to turn the often political and philosophical on empowerment into concrete tools that can define, measure and strengthen empowerment.

EPR clearly stated the importance of the empowerment in the Charter on Modernisation of disability-related Health and Social Services<sup>46</sup> that is disseminated and used at national level by EPR's members in 17 EU Member States. To raise awareness among its national members organisations, EPR is carrying out a study on the relation between the empowerment concept and key European and international documents, such as the UN Convention, the EU Disability Strategy and the Disability Action Plan of the Council of Europe. In December 2009, EPR will organise a Public Affairs Event around empowerment and its relation to quality of disability services. Also, EPR will organise a workshop addressed to directors of member organisations from 17 EU member states, on self-determination of people with disabilities. The major objective is to investigate how to reflect the self-determination concept in all parts of an organisation that provides services to people with disabilities (at the level of policies, structures and staffing)

EPR Charter on Modernisation of disability-related health and Social Services http://www.epr.eu/images/EPR/documents/events/pa\_event/2008/charter.pdf

# ANNEX 1: STATE OF PLAY

Dates of signatures and ratification				
Country	Signature		Ratification*	
	UN Convention	Optional Protocol	UN Convention	Optional Protocol
AT	30 March 2007	30 March 2007	25 September 2008	25 September 2008
BE	30 March 2007	30 March 2007		
BG	27 September 2007	18 December 2008		
CY	30 March 2007	30 March 2007		
CZ	30 March 2007	30 March 2007		
DE	30 March 2007	30 March 2007	24 February 2009	24 February 2009
DK	30 March 2007			
EE	25 September 2007			
EL	30 March 2007			
ES	30 March 2007	30 March 2007	3 December 2007	3 December 2007
FI	30 March 2007	30 March 2007		
FR	30 March 2007	23 September 2008		
HU	30 March 2007	30 March 2007	20 July 2007	20 July 2007
IE	30 March 2007			
IT	30 March 2007	30 March 2007	15 May 2009	15 May 2009
LT	30 March 2007	30 March 2007		
LU	30 March 2007	30 March 2007		
LV	18 July 2008			
MT	30 March 2007	30 March 2007		
NL	30 March 2007			
PL	30 March 2007			
PT	30 March 2007	30 March 2007		
RO	26 September 2007			
SE	30 March 2007	30 March 2007	15 December 2008	15 December 2008
SI	30 March 2007	30 March 2007	24 April 2008	24 April 2008
SK	26 September 2007	26 September 2007		
UK	30 March 2007	26 February 2009	8 June 2009	
EC	30 March 2007			

<sup>\*</sup> Ratification means the deposit of the instrument of ratification with the Secretary-General of the United Nations

#### ANNEX 2: RESPONSIBLE AUTHORITIES AND CONTACT PERSONS

This annex contains an overview of responsible authorities, focal points, coordination mechanisms and contact points. The data were provided by the Member States in reply to the following questions:

- \* Who is responsible for the implementation (putting into practice) of the UN Convention, i.e the focal point foreseen in article 33(1) of the Convention?
- \* Have you established a coordination mechanism foreseen in article 33(1) of the Convention?

# 1. Responsible Authorities:

### Austria

Federal Ministry of Labour, Social Affairs and Consumer Protection (implementation) Federal Ministry of European and International Affairs (ratification)

# Coordination mechanism:

Independant Monitoring Committee of the Federal Disability Advisory Board (at the Ministry of Labour, Social Affairs and Consumer Protection) with representatives from the Federal Government, the Länder, the Social Insurance Institutions, Stakeholders, Social Partners and the Disability Ombudsman

Focal Point: Federal Ministry of Labour, Social Affairs and Consumer Protection

## **Belgium**

Ministry of Foreign Affairs

Belgian Disability Forum asbl

Regional governments (Flemish and Walloon), Community governments (German speaking, Flemish and Walloon), Brussels region, CoCoF, Cocom.

Fédéral Administration SPF Sécurité sociale (DG Personnes handicapées)

State secretary for persons with disabilities

High National Council for Persons with disabilities

Focal Point: not decided yet.

## Bulgaria

Ministry of Labour and Social Policy

National Council on Integration of People with Disabilities.

Council of Ministers, regional governors, regional government in cooperation with civil society.

Ministry of Education, Ministry of Health, Ministry of Regional Development and Republic Works, Ministry of Justice, Ministry of Culture, National Statistical Institute and regional government.

**Focal Point**: Demographic and Family Policy and Equal Opportunities Directorate, Ministry of Labour and Social Policy

### **Cyprus**

Ministry of Labour and Social Insurance

**Focal Point:** Department for Social Inclusion of Persons with Disabilities

**Coordination mechanism**: Technical Committee for the monitoring of the implementation of the UN Convention, reporting to the Pancyprian Council for the Persons with Disabilities.

## **Czech Republic**

The Ministry of Labour and Social Affairs Government Board for People with Disabilities Czech National Disability Council

Focal Point: The Ministry of Labour and Social Affairs

### Germany

Focal Point: Ministry for Labour and Social Affairs

Coordination Mechanism: Commissioner of the Federal Government for the Interests of

Persons with Disabilities

### **Denmark**

The Ministry of the Interior and Social Affairs

Civil society: involvement through representative organizations ("Danske Handicaporganisationer"/Danish Council of Organisations of Disabled People, "Center for Menneskerettigheder" etc.)

Each sector Ministry is responsible of implementing necessary changes etc. in their area (the principle of sector responsibility)

**Coordination**: The Ministry of the Interior and Social Affairs **Focal Point**: The Ministry of the Interior and Social Affairs **Coordination mechanism**: Not decided at the moment

#### **Estonia**

Ministry of Social Affairs

Ministry of Foreign Affairs

Ministries (Ministry of Education and Research, Ministry of Justice, Ministry of Culture, Ministry of Internal Affairs, Ministry of Economic Affairs and Communications, Ministry of Finance) and non-governmental organizations (Estonian Chamber of Disabled People, Estonian Union of People with Visual Impairment, Estonian Association of Hard Hearing, Estonian Union of Persons with Mobility Impairment, Association of Estonian Cities, Association of Municipalities of Estonia

Estonian National Council of People with Disabilities

Focal Point: Ministry of Social Affairs

#### Greece

Ministère des Affaires Etrangeres Zalokosta 3, Athènes

#### **Finland**

Ministry for Foreign Affairs Ministry of Social Affairs and Health

Focal Point: not decided yet

### **France**

Not appointed yet

### Hungary

Ministry of Social Affairs and Labour

Focal Point: National Council on Disability Issues

#### **Ireland**

Department of Justice, Equality & Law Reform.

Department of Foreign Affairs.

High level interdepartmental committee chaired by Department of Justice, Equality & Law Reform with senior officials from the following eleven Irish Government Departments and one Government Office: (Arts, Sport and Tourism; Communications, Energy and Natural Resources; Defence; Education and Science; Environment, Heritage and Local Government; Enterprise, Trade and Employment; Foreign Affairs; Health and Children; Justice, Equality and Law Reform; Social and Family Affairs; Department of Transport; and Office of Public Works.)

Office of the Attorney General.

Disability Stakeholder Group:

The DSG comprises the following six representative disability bodies: People with Disabilities in Ireland Ltd.; Disability Federation of Ireland; National Federation of Voluntary Bodies; Mental Health Ireland; Not for Profit Organisation; Inclusion Ireland.

Focal Point: Department of Justice, Equality & Law Reform

# Italy

Ministry of Foreign Affairs

Ministry of Labour, Health and Social Policies

Focal Point: Ministry of Labour, Health and Social Policies

### Lithuania

Minister of Social Security and Labour (Department of Disabled Persons)

Ministry of Culture, Ministry of Health, Ministry of Education and Science, Ministry of Transport and Communication, Ministry of Social Security and Labour, Ministry of Foreign Affairs, Ministry of National Defence, Ministry of Environment, the Office of Equal Opportunities Ombudsperson, the Department of Physical Education and Sports under the Government of the Republic of Lithuania, and the Lithuanian Disability Forum.

The Ministry of Social Security and Labour and subordinated institutions: the Department of Disabled Persons under the Ministry of Social Security and Labour, Service for Establishing Disability and Capacity for Work under the Ministry of Social Security and Labour, Dispute Commission under the Ministry of Social Security and Labour, Centre for Technical Assistance for Disabled under the Ministry of Social Security and Labour

Associations of people with disabilities: Association for the Physically Disabled of Lithuania, the Lithuanian Blind and Visually Impaired People, Lithuanian Association of the Deaf, the Lithuanian Association of Intellectually Challenged People Viltis, the Lithuanian Association of Persons with Disability, Association for Application of Environment to Needs of Persons with Disability, the Lithuanian Special Creativity Association Guboja, the Lithuanian Association for Mentally Challenged Persons, the Lithuanian Association of Persons with Hearing Difficulties, and other.

**Focal Point**: Minister of Social Security and Labour (Department of Disabled Persons)

# Luxembourg

Ministry of Foreign Affairs Ministry of Family Affairs & Integration

#### Latvia

Focal Point: Ministry of Welfare,

Coordination mechanism: not established yet

### Malta

The National Commission Persons with Disability (NCPD) established by the Equal Opportunities (Persons with Disability) Act (includes representatives of the main Government Ministries and also the voluntary sector working in the field.

The Malta Federation of Organizations Persons with Disability (MFOPD)

**Focal Point:** The National Commission Persons with Disability (NCPD)

### The Netherlands

Ministry of Health, Welfare and Sport (VWS)

Ministry of Foreign Affairs

**Focal Point:** The ministry of Health, Welfare and Sport (VWS)

#### **Poland**

Coordination mechanism will be established upon ratification of the Convention.

Focal Point: Ministry of Labour and Social Policy

### **Portugal**

National Institute for the Rehabilitation Av. Conde de Valbom 63 1069-178 Lisbon Portugal

Tel: 00351 21 792 95 00 Fax: 00351 21 792 95 95 E-mail: inr@seg-social.pt

#### Romania

Ministry of Foreign Affairs; Ministry of Labour; Family and Equal Opportunities; Ministry of Education; Research and Youth; Ministry of Culture; Ministry of Transportation; Ministry of Justice; Ministry of Finance; Central authorities subordinated to them; National Authority for Persons with Disabilities

## **Slovak Republic**

Minister of Labour, Social Affairs and Family

Minister of Labour, Social Affairs and Family, the Deputy Prime Minister for Knowledge Society, European Affairs, Human Rights and Minorities and the selected sectoral ministers (e.g. Ministry of Education, Ministry of Health, Ministry of Foreign Affairs, Ministry of Finance of the SR)

Representatives of relevant sectors, non-governmental organisations and representatives of self-government, i.e. the Association of Towns and Communities of Slovakia

Focal Point: Minister of Labour, Social Affairs and Family

# Slovenia

Ministry of Labour, Family and Social Affairs

Governmental Council for Persons with Disabilities

Relevant ministries

Slovenian National Council of disabled people's organizations

Focal Point: Ministry of Labour, Family and Social Affairs, Directorate for persons with disability

### Spain

Ministry of Education, Social Polical and Sports .- Secretary of State for Social Political, Families and Dependence and Disability attention

Ministry of External Affairs and Cooperation (MAEC)

**Coordination**: General Directorate for the Coordination of Policies on Disability,

National Council on Disability (General State Administration + Associations of common public interest+ experts advisors).

**Focal Point :** The Secretary of State for Social Political, Families and Dependence and Disability attention, through General Directorate for the Coordination of Policies on Disability.

#### Sweden

Ministry of Health and Social Affairs.

Social Services Division of the Ministry of Health and Social Affairs Coordination: Swedish Agency for Disability Policy Coordination.

Focal Point: Ministry of Health and Social Affairs

### **UK**

Department for Work and Pensions. Office for Disability Issues

Focal Point: Department for Work and Pensions. Office for Disability Issues

# **European Community**

**European Commission** 

DG Employment, Social Affairs and Equal Opportunities

### 2. Contact Persons

### Austria

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### **ANNEX 3: WEBSITES**

# **Czech Republic**

Ministry of Labour and Social Affairs: www.mpsv.cz Czech National Disability Council: www.nrzp.cz

#### **Estonia**

Ministry of Social Affairs <u>www.sm.ee</u> Estonian Chamber of People with disabilities <u>www.epikoda.ee</u>

### **Finland**

Electronic Treaty Data Base <u>www.finlex.fi</u> Ministry of Foreign Affairs formin.finland.fi

# Germany

www.bmas.de

### Greece

Ministry of Health and Social Security: <a href="www.mohaw.gr">www.mohaw.gr</a>,
National Confederation of People with Disabilities: <a href="www.esaea.gr">www.esaea.gr</a>

## Hungary

http://www.szmm.gov.hu

### Italy

Ministry for Social Solidarity www.solidarietasociale.gov.it

#### Latvia

Ministry of Welfare www.lm.gov.lv

### Lithuania

Ministry of Social Security and Labour and Department of Disabled People <a href="http://www.ndt.lt/id-teises">http://www.ndt.lt/id-teises</a> aktai.html; <a href="http://www.socmin.lt/">http://www.socmin.lt/</a>

#### Malta

National Commission Persons with Disability (NCPD) website http://www.knpd.org/.

## **Poland**

Ministry of Labour and Social Policy websites: <a href="www.mpips.gov.pl">www.mpips.gov.pl</a>, <a href="http://www.niepelnosprawni.gov.pl/dokumenty-organizacji-narodow-zj/konwencja-o-prawach/">http://www.niepelnosprawni.gov.pl/dokumenty-organizacji-narodow-zj/konwencja-o-prawach/</a>

### **Portugal**

www.inr.pt/content/1/50/organizacao-das-nacoes-unidas

### Slovenia

http://www.mddsz.gov.si/en/legislation/ http://www.mddsz.gov.si/en/publications/

## **Spain**

Ministry of Education, Social Polical and Sports: <a href="www.mec.es">www.mec.es</a> Ministry of Foreign Affairs and Cooperation: <a href="www.maec.es">www.maec.es</a>

Comité Español de Representantes de Personas con discapacidad (CERMI): www.cermi.es

### Sweden

Government's home page: www.gov.se

### UK

www.officefordisability.gov.uk

Contains English language Easy Read version of the Convention.

# Other relevant websites

http://www.un.org/disabilities/

www.easpd.eu

www.communityforall.eu

www.handicap.dk

www.nrozp.sk

www.cnditalia.it

www.superando.it

www.edf-feph.org/

www.epr.eu

www.coface-eu.org

http://www.un-convention.info/index.html

Independent (part funded by the UK Government) UK website dedicated to promoting disabled persons human rights.