



EUROPEAN NETWORK ON INDEPENDENT LIVING

Gran Vía Marqués del Túria, 49. 7º 12ª

46005 - Valencia - Spain

Tel.: (+34) 96 325 54 57

Fax: (+34) 96 325 54 59

NIF: N0071716E

E-mail: secretariat@enil.eu

Valencia, 7th April 2010

Mr. Ivan Svetlik
Minister for Work, Family and Social Affairs
Slovenia
gp.mdds@gov.si

Dear Mr Svetlek,

I am contacting you as the executive director of ENIL, European Network on Independent Living. We welcome the draft Law on Personal Assistance in Slovenia. However, ENIL feels it must alert you to several factors before the final text is passed.

As you know personal assistance is crucial for disabled peoples' self-determination and independence. Through personal assistance many are able to contribute economic and social value to their societies, to employ individuals (as personal assistants) and to gain employment themselves. We note that there are several issues within the draft law that may prevent this, and in turn the additional wider societal benefits that the development of a good personal assistance law can bring.

In addition we strongly support the issues raised by YHD, Ass. for Theory and Culture of Handicap. In our view anything that works against these principles works against the success of an effective personal assistance law. YHD raise 3 crucial issues:

1. The Law itself must clearly define what is covered in Personal Assistance therefore it is unacceptable that the law draws on the concepts that are related with traditional models of aid instead of the right to choose, self-determination and equal opportunities.

The Law must also clearly define what the rights of the user are:

- The right to choose their assistant;
- When will the assistant work;
- How will he work (the user is the one who sets work obligations);
- What will his work comprise of (the user provides the type and quantity of work to the assistant).

2. The draft of the Law separates persons according to their diagnosis. For example blind and deaf persons will be provided with PA only for escorting. In addition it provides different threshold of requirements depending on the medical diagnosis. The draft also

President: Bente Skansgard (Norway), Executive Director: Jamie Bolling (Sweden)

Directors: Donal Toolan (Ireland), John Evans (United Kingdom), Kapka Panayotova (Bulgaria) and Viebeke Maroy Melstrom (Norway)

Company Secretary: Martin Naughton (Ireland)

Registered Office: Carmichael Centre, North Brunswick Street, Dublin 7
Registration Number: 295540



EUROPEAN NETWORK ON INDEPENDENT LIVING

Gran Vía Marqués del Túria, 49. 7º 12ª

46005 - Valencia - Spain

Tel.: (+34) 96 325 54 57

Fax: (+34) 96 325 54 59

NIF: N0071716E

E-mail: secretariat@enil.eu

excludes persons with mental impairments, in our opinion there is no arguments for such discrimination.

3. It is unacceptable that the same authority which will be co-financing the services will also assess the actual needs of users, because that will lead to a conflict of interest, since the coordinator will not be independent but will be conditioned to the payer of services. In order to maintain representation of the user's interest we suggest that the coordinators are skilled individuals with experience of disability. The coordinator should also obtain professional knowledge of the basic principles of European Network on Independent Living.

ENIL urges you to modify your strategy and support those that would gain from a more beneficial implementation of the law in accordance with article 19 of the UN Convention on the Rights of Persons with Disabilities and the legal principles of Independent Living and personal assistance in many European countries. ENIL believes that to do otherwise is likely to lead to greater financial costs in changing an ineffectual strategy at a later date and in the greater dependence of disabled people who are unable to benefit from this proposed law as it stands.

Please do not hesitate to contact me if you wish to discuss this issue further.

Kind regards,

Jamie Bolling
Executive Director