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For immediate release

Slovenian legislation discriminates against people with intellectual disabilities

Ljubljana and Budapest, 27 October 2005 — People with intellectual disabilities in Slovenia face limited education and employment opportunities mainly due to outdated legislation, a new report finds.

The monitoring report *Rights of People with Intellectual Disabilities: Access to Education and Employment in Slovenia*, was released today in Ljubljana. Produced by the Open Society Institute in cooperation with the Association for Theory & Culture of Handicap (YHD) and the Faculty of Social Work of the University of Ljubljana, the report calls on the Slovenian government to bring its legislation in line with international best practice and offer more education and employment opportunities to Slovenians with intellectual disabilities (people whose learning ability is significantly lower than average).

In accordance with the Placement Act which provides for children with special needs, including children with intellectual disabilities, only children with the lowest degree of intellectual disabilities, those diagnosed as *borderline*, can be placed in mainstream schools (schools for children without disabilities). The report released today calls on the Slovenian Government to amend this discriminatory provision and enable children with other levels of intellectual disabilities to also attend mainstream schools.

Many children with intellectual disabilities, more than 2,000 in 2001, are still in special schools for children with disabilities. According to Darja Zaviršek, a report's co-author, special schools have "educational programmes which are not adapted to the nine-year compulsory schooling, and inadequate working conditions for teachers. Most importantly, special schools do not allow for any socialisation between children with and children without disabilities, thus depriving both of knowing and learning from each other".

Due to prejudice and inadequate assessment procedures, Roma children remain disproportionately over-represented in special schools. According to the report, Roma children are almost ten times more likely than non-Roma children to be categorised as having *mild* intellectual disabilities and referred to special schools.

The access to employment for people with intellectual disabilities in Slovenia remains extremely minimal, with almost none with any kind of job. Among the main barriers to employment is the Slovenian Social Care Act, which links the right to receive disability, benefits with having "invalid status". Adults given "invalid status" under this act are automatically presumed as unable to live independently or to be employed regardless of their actual abilities. If they wish to work, they must renounce the "invalid status" and so lose their eligibility for social benefits.

The report urges the Governments to amend the Act on Social Care Act so as to enable people with disabilities to access employment, without first having to renounce their disability status, which would mean losing their entitlement to social benefits.

Amendments to the Vocational Rehabilitation Act that entered into force in May 2004 introduced improvements for the employment of people with disabilities. Adults with “invalid status” under the Social Care Act are however entirely excluded from its provisions. To enable people with intellectual disabilities to access employment the Government must amend this act, to make it applicable to people with “invalid status” as well.

The only job opportunities that are in practice available to some people with mild intellectual disabilities are in segregated sheltered workplaces. According to Špela Urh, report co-author, “sheltered workshops cannot be considered as constituting employment as workers do not have an employment contract and do not receive a wage, only a token ‘award’. Sheltered workshops also do not seek to provide people with intellectual disabilities with the employment and social skills they need to access employment on the open market”. In 2001, over 2,000 people with intellectual disabilities were working in sheltered workplaces in Slovenia.

The social inclusion of people with intellectual disabilities requires their integration into the wider society, as opposed to segregation in special work environments. To promote this process, the report released today calls on the Slovenian Government to ensure that supported employment schemes, providing day to day support to work on the open market, are developed as soon as possible.

The report presents a detailed analysis of the education and employment situation of people with intellectual disabilities in Slovenia and offers a series of recommendations for policy change. These include calls for the restitution of the legal capacity to many people who are unduly placed under full guardianship; enhancing deinstitutionalisation as well as reducing segregation of people with intellectual disabilities; and further developing direct funding to enable people with intellectual disabilities to live more independently.

Note to editors

This report is part of a series of 14 country reports monitoring “Access to Education and Employment for People with Intellectual Disabilities” throughout Europe. The reports were prepared by EUMAP, the EU Monitoring and Advocacy Program of the Open Society Institute, in cooperation with the Open Society Mental Health Initiative. All reports are available online at www.eumap.org. More information on the Open Society Institute is available at www.soros.org.