

**Human Rights  
of Persons  
with  
Intellectual  
Disability**

Country Report

**SLOVAK REPUBLIC**

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# *Human Rights of Persons with Intellectual Disability*

## *Country Report* **SLOVAK REPUBLIC**

September 2003  
by

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and

**Inclusion Europe**

**The European Association of Societies of Persons with Intellectual Disability and their Families**

and

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# Executive Summary

People with intellectual disability are one of the most disadvantaged groups of people in Europe. In Central and Eastern European countries the care for this group is often organised in isolated and mostly inhuman closed institutions. This system of service provision is still seen by most political decision-makers as the most efficient way of supporting them. Aktion Mensch created a budget line to support essential structures in Central, Eastern and South Eastern Europe to put an end to the violation of the human rights of persons with intellectual disability, especially in closed residential institutions, and their exclusion from society.

The project “More Rights for Persons with Intellectual Disability in the Slovak Republic” is co-financed by Aktion Mensch and carried out a survey and analysis on the present human rights situation of persons with intellectual disability in the Slovak Republic. Bundesvereinigung Lebenshilfe für Menschen mit geistiger Behinderung e.V. is leading the project in close cooperation with Inclusion Europe and the Association for Help to the Mentally Handicapped Persons in Slovak Republic “ZPMPvSR”. Within the project, the way in which support and assistance are structured for persons with intellectual disability in the Slovak Republic is analysed in depth and documented.

This Country Report is one of the main outcomes of the project. On the basis of the research and survey undertaken during the course of the project, this report reviews the social and political situation of persons with intellectual disability and their families in the Slovak Republic. Legislation, government policy and the views of NGOs and reactions of persons with intellectual disability and their families to the social conditions in which persons with intellectual disability live are described in the different chapters of the report. The UN-Standard Rules on the Equalization of Opportunities for Persons with Disabilities, as well as their implementation and functioning in the Slovak Republic, are taken into account, too.

The chapter on **awareness raising** indicates the attitude of the general public towards persons with intellectual disability in the Slovak population. In spite of the Government’s efforts to inform the public about the lives, problems and needs of this group of people through the mass media, the prevalent attitude of society has only changed slightly. The general public is not aware of the fact that people with intellectual disability have individual needs and interests and the right to enjoy dignified lives like any other

Slovak citizen. Even more alarming is the fact that there is a very low awareness of the rights of persons with intellectual disability among professionals, such as physicians, social workers at departments of social affairs and teachers.

Current **health care** legislation does not particularly differentiate between disabled and non-disabled patients. The special needs of disabled patients are not sufficiently recognized, analysed or followed, despite the legally ensured active and systematic follow up and tracing of sick patients. The care for persons with intellectual disability in several regions is characterized by insufficient teamwork and communication between physicians of first contact and specialized doctors in early diagnostics and therapy as well as by a lack of centres providing early intervention. Due to poor skills of professionals, parents are still encountered with inappropriate provision of information regarding condition of health of their disabled child. It is still common to administer tranquillisers to clients in institutional care institutions instead of caring for them with alternative measures, less medical provision based on their special individual needs. Many clients are still placed in psychiatric institutions, where they are perceived to have similar needs to the persons with a psychiatric illness and do not receive the special sort of support they particularly need.

Certain kinds of **(re)habilitation** should be provided as part of the Government’s responsibility, but appropriate rehabilitation has not been available in the Slovak Republic as yet. The co-operation between the Government, health care institutions and NGOs is not adequate due to insufficient networking between particular rehabilitation actors and activities. These inadequacies start within the medical system and go right through to the occupational and social rehabilitation systems. Future major efforts must focus on the establishment of a comprehensive rehabilitation system for citizens with disabilities of all age groups. It should take effect immediately after the disability is diagnosed.

The chapter on **community-based support services** puts stress on the development of services, which support the integration the persons with intellectual disability into society. A positive step on the way towards this aim is the introduction of personal assistance. In reality, however, only a small number of citizens with intellectual disability receive money because officers within social services departments think that these people are not able to manage their own personal assistance and to express their needs and interests themselves.

Particularly positive are facilities for assisted living set up to offer support to this group of people. However, these are not yet widespread in the Slovak Republic due to financial reasons. Large homes run by social service departments cost less. Most of the existing assisted facilities were established by NGOs.

The chapter on **accessibility** includes the demand for a barrier free physical environment as well as the unrestricted access to information for people with intellectual disability and their families. The accessibility of the physical environment is gradually improving, particularly in new buildings. It is more difficult to obtain information materials in an easy-to-read format. In the departments of social affairs, the officers are neither willing nor able to provide information for persons with intellectual disability in a language which they can understand. But, the greatest barriers are still the attitudes of the society towards people with intellectual disability. The accessibility of the minds of the general population is the most challenging task requiring change in for the future.

The report presents as well an analysis of the present situation in the sphere of **employment** for persons with intellectual disability. Besides work in sheltered workshops and workplaces, another positive option is the integration of this group of people into jobs in the free labour market. Still, however, one encounters a lack of appropriate jobs and the required qualification and skills to be able to do them. A great barrier in employment also stems from the negative attitudes of employers towards people with intellectual disability, which it will be necessary to change in the future.

**Organizations of persons with disabilities** play

a crucial role in promoting the rights and interests of this group of people and their families as well as in protecting them. 16 000 NGOs are registered in the Slovak Republic. They are, according to parents who look after persons with intellectual disability, their main source of information, aid and support. Slovak NGOs are facing financial problems, because foreign foundations are gradually leaving the country and the pre-accession funds have provided only minimum support for NGOs so far. Due to the impact of other social phenomena (e.g. unemployment), priority is now being given to activities related to these problems and disability issues remains in the background.

A great number of people with intellectual disability still live in **large residential institutions** that do not correspond to the principles of de-institutionalization and modern social care standards. The present situation of and legislative regulations for social services provided in institutions are discussed in this chapter. About 60% of these institutions in the Slovak Republic do not meet the quality standards required for persons with intellectual disability. Traditional social services provided in residential institutions do not correspond to the right of persons with intellectual disability to live a dignified and cultured life.

The review and documentation of the current situation of persons with intellectual disability and their families is concluded with **recommendations** for the Slovak Government, local authorities, NGOs and international organisations to intensify their efforts to recognize, protect and realize the rights of people with intellectual disability in the Slovak Republic.

# Introduction

With respect to the Charter of Fundamental Rights of the European Union, Chapter III, Article 26: *“The Union recognizes and respects the right of people with disability to protection against discrimination and to full and fair implementation of their rights to live independent lives, as well as to their integration into the life of the society, in order to enable them to work and to take part in the life of the society to the fullest”*, I can affirm that the Government of the Slovak Republic is on its way to implement these principles, which have been anchored in the Government Programme Declaration.

People who have worked with persons with disabilities on a professional or voluntary basis know very well how difficult it is to move from good intentions and ideas to their implementation in real life. All of us can contribute a piece to the mosaic, which will become in time a picture of dignified life for all.

I want to mention concrete examples of the currently most questionable areas, which we must focus on in the near future. Amongst others, topics like education, complex rehabilitation, preparation for work and employment for persons with disability, in particular for person with light and medium intellectual disability, who can find jobs in several professions, are to be mentioned.

A serious problem is the employment of persons with intellectual disability and the problem of fair remuneration for their work. Nowadays, the employment of persons with intellectual disability in the free labour market, in sheltered workshops or workplaces is hindered by insufficient awareness of their work capacity and capabilities in the public domain (entrepreneurs). In my opinion, the encouragement of employers to employ people with disabilities should be totally and systematically approached.

There are adverse opinions among professionals of the fact that the guardian appointed for all persons declared legally incompetent is often the director of their institution, which I perceive as a conflict of interests. Organizations advocating for the interests of people with intellectual disability have repeatedly proposed to remove the term "public guardian" from legislation and to introduce the obligation to appoint an individual legal guardian for every person. In that rela-

tion, human and civil rights are in conflict with the legislation because of the fact that identity cards are automatically withdrawn on the basis of the declaration of legal incompetence, so that the persons concerned have no proof of identification. Similarly, they are deprived of the right to vote, which is to be perceived as discrimination.

Intellectual disability is often connected with physical or sensory disability. Therefore, this group of citizens is deeply affected by the persistent problems of barriers, not only physical barriers, but also social. After the accession of the Slovak Republic to the European Union in May 2004, it will be necessary to provide more effective controls, perhaps also sanctions, for any breach of the obligations stated under the Ordinance No. 532/2002 of Code on the removal of architectural barriers.

The provision of care in large residential institutions is still a painful issue in the Slovak Republic. Children and young people are not given sufficient individual attention. Later on in life, this is reflected in a low level of their independence and education. Insufficient material, technical and human resources within residential institutions and insufficient programmes of occupational activity hinder the more individual approach. The residents simply survive without any appropriate purpose or meaning of life.

A good starting point to solve and overcome the above mentioned problems is the *“National Programme for Development of Living Conditions of Citizens with Disability in All Spheres of Life”*, approved by the Slovak Government in June 2001. The National Programme is reviewed and evaluated with the participation of NGO representatives every year.

At this point, I wish to express my sincere support and acknowledgement to all NGOs and to all people who live their lives to help other people. They dispose of a valuable professional potential and a lot of humanity, helping this group of citizens to overcome the greatest barrier - the one in people's minds. I have deep respect for all those people and their families, who fight their unfavourable fate each day, yet they live their lives to the fullest and show to all of us the real values of our lives.

*Zuzana Martináková*  
(Vice chairman of the Parliament of the Slovak Republic)

# Country Description

The Slovak Republic is situated in Central Europe. It was established in 1993 after the partition of the Czecho-Slovak Federal Republic as a Parliamentary Republic. The National Council of the Slovak Republic consist of 150 members. The head of State is the President, who is elected every five years with a maximum service period of two terms.

The surface of the Slovak Republic covers 49 025 km<sup>2</sup> and it borders on Poland, the Czech Republic, Austria, Hungary and the Ukraine. The capital of the Slovak Republic is Bratislava. In 2001, the Slovak Republic had a population of 5 379 780 persons. According to the census of 1991, the population consist of 85.7% Slovaks, 10.6% Hungarians, 1.6 % Roma, 1.1% Czechs, 0.6% Russniaks and Ukrainians and 0.4% other ethnic minorities. The most significant part of the population – some 60% - is Roman Catholic. Far fewer

people declare themselves Protestants (6%) or Greek Catholics (3%). Less than 2% belong to the Reformed or Orthodox Church while 10% of the whole population is without religion.

According to the Summary Report on the Condition of the Society in the year 2000, 3% of the total population are people with intellectual disability. Out of them, 67% have a mild, 28% a medium and 5% a severe or profound intellectual disability. A major change in services for people with intellectual disability started after 1989, when more attention was devoted to the problems, lives and needs of disabled people in general. Although the transformation of the system of social services is slow, positive changes have taken place throughout the past 13 years. Social services are not provided any longer only by state institutions. The citizens can decide to use alternative services offered by NGOs.

## Data Resources

The data and information used in this Country Report were obtained from several resources. To collect the data, interviews with representatives of the Slovak Government at various levels were carried out and discussions with parents, self-advocates and representatives of NGOs working with persons with intellectual disability were organized. The Internet had also played a vital role in information collection, where the latest statistical data was found. All collected data was analysed within the framework of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities.

The interviews with parents were organized in towns and regions of the Slovak Republic: Rožňava, Skalica, Trenčín, Pezinok, Martin and Bratislava with the aim to understand how parents perceive the impact of legislation on the quality of life of their child with a disability. The meetings gave a detailed insight in the present life of persons with intellectual disability in the Slovak Republic as well as recent developments in the disability field. This information was used to create a more realistic picture than the legislation and data obtained from representatives of the Government.

The Ministry of Labour, Social Affairs and Family; the Ministry of Education; the National Statistical

Bureau; the Home of Social Services – Novotš; the Institute of Statistics and Prognoses in Education and the Institute of Health Care Information and Statistics have all helped to prepare this report.

A particularly helpful resource in the preparation process of the report was the National Programme for Development of Living Conditions of Citizens with Disability in all Spheres of Life, elaborated in 2001 by the Ministry of Labour, Social Affairs and Family together with the Coordination Committee for the Affairs of Slovak Citizens with Disability. Its Evaluation of Measures for 2001 and the Implementation Survey of Measures for 2002 were used.

The data on the third section, including the NGOs' opinions on the present situation of citizens with intellectual disability in the Slovak Republic and the cooperation which exists between NGOs and the Government were collected during meetings with representatives of the Board for Counselling in Social Work – Bratislava, Žilina, Košice; the Down Syndrome Society; the Agency of Special Services for People with Autism and the Association of Special Olympics.

A lawyer from outside ZPMPvSR played an important role in our data collection on legislation.

# *Definitions and Differentiation*

Approximately 3% of the total Slovak population are persons with intellectual disability. They represent one group among the total number of disabled citizens, who are otherwise citizens with physical, sensorial and complex disability. This fact is particularly important with respect to the validity of many documents and legislation, usually covering disabled people as a whole.

In 1992, the World Health Organisation issued the 10th Revision of the International Classification of Diseases, in which intellectual disability was included in the category of psychic and behavioural disorders. The Slovak Republic has accepted this Classification of Diseases, according to which intellectual disability is divided into six basic categories: mild intellectual disability (IQ 50-69), medium intellectual disability (IQ 35-49),

severe intellectual disability (IQ 20-34), profound intellectual disability (IQ less than 20), other intellectual disability (used for cases, where it is not possible to assess the degree of intellectual disability by the usual means, due to an associated disability, e.g. a visual and hearing disability or autism) and non-specified intellectual disability (used for cases, where an intellectual disability has been diagnosed, but no sufficient information is available to include it into one of the categories mentioned above).

Persons, who are intellectually retarded due to other factors such as social negligence or lack of education rather than to brain impairment, are not considered as intellectually disabled, although some older literature classified them as such within a marginal category of intellectual disability.

# Awareness Raising (UN Standard Rule 1)

AWARENESS-RAISING IN SOCIETY THROUGH ENLIGHTENMENT RELATED ACTIVITIES STILL HAS a minimum influence on the change of the public's attitude towards people with disability in the Slovak Republic.

The present legislation of the Slovak Republic does not sufficiently solve the problems of awareness-raising in relation to persons with intellectual disability. The problem is only precisely specified in the Constitution of the Slovak Republic and in the Act No. 211/2000 of the Code on information provision, which state the right of information for every citizen of the Slovak Republic.

States should take action to raise awareness in society about persons with disabilities, their rights, their needs, their potential and their contribution.

*Rule 1 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities*

The government seeks to solve problems of awareness of persons with disabilities on three levels, whereon no classification of disability categories is based. The first solution level includes an increase of information to the public about the lives of disabled people. The second level includes efforts of making information and information technologies available and accessible to people with disabilities. The third level includes the search for ways to inform disabled people about their rights and need of self-awareness and integration into society.

A major role in awareness-raising is played by the state media, particularly by the Slovak Television and the Slovak Radio. According to the National Programme for Development of Living Conditions of Citizens with Disability, the Slovak Television has to inform the general public about the life and problems of disabled citizens through monthly reports of at least 30 minutes. Furthermore, it has to produce special programmes for citizens with different kinds of disability. Among these programmes, a series of reports called "Ways of Hope" offers an insight into the life of persons with intellectual disability. For people with hearing disability, the Slovak TV broadcasts the "STV News" with simultaneous translation to sign language and the "Sports" news with sub titles.

On the basis of the National Programme for Development of Living Conditions of Citizens with Disability, the Slovak Radio has to broadcast reports and news programmes regularly informing about issues of disabled people to the audience all over the Slovak Republic. The following programmes are concerned: Radio Journal of the Slovak Radio, Contact Studio, Afternoon with the Radio, Line of Hope and

Night Pyramid. The Radio Regina station of the Slovak Radio broadcasts reports devoted to people with disabilities, mainly to inform parents of persons with intellectual disability and professionals. In the period of 1999 to 2002 they broadcasted a special weekly series called "Touches" for people with disabilities themselves. Each part of the series covers another topic, such as problems and experiences of people with intellectual disability in their every day's life, etc.

Beside TV and radio, information dissemination and awareness-raising also takes place via print media. The Ministry of Labour, Social Affairs and Family issues information leaflets and professional publications related to disability questions, e.g. in the Ministry's newsletters "Social Work, Social Policy". But, their distribution has to be better organised in a more systematic way to the public.

According to the National Programme for Development of Living Conditions of Citizens with Disability, the Ministry of Education of the Slovak Republic has undertaken actions to inform students at primary and secondary schools and institutions of higher education about issues concerning the life of people with disabilities in form of lectures. A minimum of one lecture per studying year followed by discussions (sometimes with participation of persons with disabilities) is organised. Appropriate information materials for the lectures are provided by the Ministry. According to experiences of NGOs and parents, there has been a minimum awareness-raising towards persons with intellectual and other disabilities through that measure.

Also NGOs try to raise awareness of society about people with intellectual disability. Since ten years, the Association for Help to People with Intellectual Disability in the Slovak Republic "ZPMPvSR" has issued the magazine "Information" for parents of people with intellectual disability, persons with disability themselves, professionals, volunteers and students. For citizens with intellectual disability, "ZPMPvSR" issues the magazine "That's Us", where they can publish articles about their own experiences and opinions with the assistance of voluntary university students of special pedagogics, journalism or social work. The Board for Counselling in Social Work issues the magazine "Integration", designed for citizens with different kinds of disabilities. The Down Syndrome Society issues the magazine "Sunflower". Beside the publication of professional magazines, NGOs try to raise

awareness through the regular publication of professional manuals, leaflets and brochures. In addition, NGOs prepare various cultural, recreation and sports activities. Their aim is not only to provide leisure time activities for people with intellectual disability, but also to show to the community what people with intellectual disability can do, what their needs are and finally that they are equal to other society members. The cooperation of NGOs with the Government takes place through financial subsidies for publication activities, whereas the financial contribution is decreasing this year. In 2003, the Ministry of Culture of the Slovak Republic gave 121.000,- SKK (2.915,- EURO) to ZPMP v SR for the publications “That’s us”. The Ministry of Labour, Social Affairs and Family gave 150.000,- SKK (3.615,- EURO) for the preparation of the magazine “Information”, whereas in 2002 ZPMPvSR received for its publishing 420.000,- SKK (10.120,- EURO). The National Programme for Development of Living Conditions of Citizens with Disability gave 720.000,- SKK (17.350,- EURO) for the preparation of the magazine “HUMANITA PLUS” from the Slovak Humanitarian Council. For the magazine of people with visual disabilities, 950.000,- SKK (23.000,- EURO) were spent.

Parents of children with intellectual disability believe that school children are not familiar enough with their problems. As one of the parents reported, it is manifested by the fact that “persons with intellectual disability are observed by children and even

“Persons with intellectual disability are observed by children and even by adults like animals in the zoo”. (A Parent)

by adults like animals in the zoo”. Children and young people, who are in close contact with disabled persons, have a different, more positive attitude, towards them. The parents believe that the change of attitude of children and young people towards people with intellectual disability should start with the initiative of teachers. As long as they have prejudices against people with intellectual disability, the attitude of the students can hardly change. But parents of persons with intellectual disability are even confronted with prejudice at professional physicians. For instance, psychiatrists are sometimes not able to distinguish between intellectual and psychiatric disability.

## Medical Care (UN Standard Rule 2)

THE HEALTH CARE LEGISLATION IN THE SLOVAK REPUBLIC IS NOT DIFFERENTIATED WITH respect to patients with particular disabilities. There is the same legal basis for everybody.

The health care legislation in the Slovak Republic does not differ with respect to patients with particular disabilities. The same legal basis applies to everybody. *Act No. 272/1994 of Code on health protection, Act No. 140/1998 of Code on drugs and medical aids, Act No. 273/1994 of Code on medical insurance and Act No. 98/1995 of Code on rules of medical care stipulate benefits in medical care for citizens with disabilities.*

States should ensure the provision of effective medical care to persons with disabilities.  
Rule 2 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

If a person has medical insurance, he or she is entitled to preventive care and offered a general medical examination every two years, whilst citizens with disabilities are examined every year. § 6 of the latter Act stipulates a dispensary care, an active and systematic follow up and tracing of sick patients or patients with a health risk. If a person has medical insurance, the dispensary care is provided also for persons with severe disabilities. *Act No. 277/1994 of Code on health*

*care* stipulates the conditions of health care provision for citizens with disabilities, minors, citizens with limited legal capacity or incapacitated citizens.

In 1993, an international group of professionals for Down syndrome prepared a programme to offer optimum care for people with Down syndrome in cooperation with Inclusion International. One person from the Down Syndrome Society from Slovak Republic was present, as well. The programme states in detail, that, among other things, early intervention, counselling and advice to parents are important parts if optimum health care is to be given to children with Down syndrome.

The cooperation of specialized physicians in early diagnostics and the follow-up indication of early therapy is not sufficient in and between all regions of the Slovak Republic. There is a lack of centres providing early intervention in particular regions. So called child centres, which exist within paediatric hospitals and focus on early intervention, are only to be found in Bratislava, Košice, Rimavská Sobota and Martin. In other parts of the Slovak Republic, such centres are

either missing or concentrate only on neurological diagnostics. While the above-mentioned centres provide the paediatric care for children with Down syndrome, an absolute lack of centres and no network of professionals specialized in medical care for adults with Down syndrome is evident. However, the Centre for Down syndrome has covered this field at the Institute of Preventive and Clinical Medicine in Bratislava. Furthermore, several new ambulant welfare centres for children with autism have been established recently in Slovak Republic.

In the framework of medical education and care for people with intellectual disability it is important to focus on training and (re)qualification of medical staff, particularly of students at medical schools. Medical students do not have any information about and contact to persons with intellectual disability. Consequently, in their later working time they have no knowledge about how to treat person with intellectual disability according to their needs. Therefore, the cooperation between medical staff and parents' organizations is of great importance to improve that circumstance. Due to poor skills of some professionals, parents are still encountered with inappropriate provision of information about the health condition of their disabled child. An insufficient network of physicians specialized in the care of adults with intellectual disability is reflected particularly in neurological and psychiatric hospitals. It is still the common practice to administer tranquillisers to clients in institutional care institutions instead of caring for them using alternative measures tailored to meet their special individual needs. Many clients with intellectual disability are still placed in psychiatric institutions, where they are viewed as psychiatric patients. In compliance with the National Programme for Development of Living Conditions of Citizens with Disability, one task of the Ministry of Health Care of the Slovak Republic is to devote more attention to the training of medical personnel with the aim of improving their skills in terms of providing appropriate advice to parents and, in consequence, of facilitating the parents' decision-making on behalf of their disabled child.

According to the experiences of NGOs, parents are often informed about their child's condition in an inadequate and clumsy way. Doctors and medical personnel are not able to communicate with parents appropriately, despite the obligations in the above-mentioned National Programme for Development of Living Conditions of Citizens with Disability to organize training for health care personnel in this sphere. Besides the lack of centres for early diagnostics and early treatment, there is no coordination between offering primary health care, the education sector, and the labour, social affairs and family sector. There is no connection between physicians of first contact, special

education staff (counselling centres) and social workers.

According to the Institute of Public Health Information and Statistics, 319 children died in their first year of life in 2001. Infant mortality rate has decreased by 154 children compared to 2000. Most infant mortality was due to prenatal diseases, congenital defects and respiratory diseases. Improved health care and early intervention, particularly in the field of congenital heart defects, resulted in decreased infant mortality of children with Down syndrome. 34 children with Down syndrome were born in 2000 in the Slovak Republic, 33 of them in 2001. Despite of improved diagnostic systems the number of children with autism has increased.

Health care should be available for all citizens on an equal level. From July 2003 on, a major change in health care administration is being prepared. In spite of restrictive measures (such as payment for each day in hospital, each ambulant examination or the transport of a patient), people with disabilities will be exempt from their validity to pay medical measures fully or partially. Apart from those changes, their medical treatment is paid for by the State. However, parents still will have to pay to stay with their disabled children in hospital or at a spa.

In compliance with the legislation, which was in force until June 1st 2003, the health care provision in the Slovak Republic had been free of charge for disabled and needy people with the exception of some drugs, such as vitamins and trace elements. Depending on the product, drugs can be prescribed free of charge, partially paid or the client has to pay full. From July 2003 on, visits to a doctor must be paid in cash with the exception of children under six years of age, disabled people and pensioners. Special dietary supplements were paid for only if decided by an assessment commission. Compensatory aids had been provided individually, following physician's recommendation and after approval by the assessment commission.

Parents are of the opinion that many doctors do not have sufficient experience on how to communicate with persons with intellectual disability. Some of them are even unable to examine them adequately. Adequate health care is usually accessible only in Bratislava. Parents from the town of Skalica in the western part of Slovak Republic reported that a doctor failed to examine their child with intellectual disability simply because the child did not co-operate during the examination. During examinations, parents feel that physicians do not have enough experiences in the field of medical care for disabled people, and particularly for persons with intellectual disability. Parents are particularly worried about lack of early care and the inappropriate behaviour of doctors.

# (Re)habilitation (UN Standard Rule 3)

COMPLEX REHABILITATION IS NOT A COMMON TERM IN THE SLOVAK REPUBLIC. THERE are various kinds of rehabilitation, which should be provided within the competence of particular sectors. However, they are not provided at the required level.

*Act No. 195/1998 of Code on social aid* defines forms of social prevention, including rehabilitation measures defined as education, counselling, free-time activities, cultural activities, recreation and rehabilitation and occupational therapy in social homes.

States should ensure the provision of rehabilitation services to persons with disabilities in order for them to reach and sustain their optimum level of independence and functioning.

*Rule 3 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities*

In compliance with this Act, a rehabilitation centre can provide services for persons with severe disability, who, according to the assessment by the respective authority, are dependent on the restoration of the highest possible degree of their personal capacity and physical performance. The aim of such rehabilitation should be to awaken the patient's capability to overcome personal and social impacts of his/her severe disability. Moreover, they should be provided with the necessary services, such as boarding, accommodation, care and counselling related to a severe disability.

§ 97 of the *Act No. 387/1996 of Code on employment* stipulates that citizens with changed work capacity due to their disability shall be provided with occupational rehabilitation, to help them get an appropriate job or continue to hold one. This may include employment counselling, vocational training, help at the employment agency or the creation of proper working conditions. § 106–110 of the Act define the terms “sheltered workshop” and “sheltered workplace” and lay down the conditions for their operation and what will be contributed towards their establishment. According to the National Programme for Development of Living Conditions of Citizens with Disability, it is necessary to create appropriate legislation as well as provide the financial and material conditions to facilitate rehabilitation for disabled citizens. These should be provided for the Government by voluntary organizations of disabled citizens. The aim of the National Programme is to develop the conditions necessary to enable good accessible rehabilitation centres to be set up for citizens with disabilities in all regions of the country.

The Institute for Occupational Therapy of Citizens with Changed Work Capacity in Bratislava and the Rehabilitation Centre for Visually Disabled Citizens

in Levoča also provide occupational therapy. Occupational, social, physical and psychological rehabilitation is provided by the Sanatorium in Kováčová, specialized on the rehabilitation of post-traumatic patients with or without (intellectual) disability. Among the NGOs in the Slovak Republic, which provide early intervention, is also the Down Syndrome Society, which cooperates with the Paediatric Teaching Hospital in Bratislava and children's hospitals in Košice, Rimavská Sobota and Martin. The Children's Sanatorium in Kežmarok is specialized on early care – medical rehabilitation, physiatry and balneology. A part of early therapy is also the briefing for parents on rehabilitation, remedial gymnastics and reflex methods of Prof. Vojta. However, the network of early care facilities is still insufficient to meet existing needs. Most of the existing rehabilitation facilities are specialized in physical rehabilitation, whereas less attention is paid to fine motor skills and speech. Psychological rehabilitation is rarely accessible. It is provided usually in regional centres. Psychological rehabilitation should be further developed, because less than 50% of persons with intellectual disability regularly visit a psychologist.

*Act No. 29/1984 of Code on the system of primary and secondary schools* defines the position of special schools, which prepare children with disability for their inclusion in adulthood into the workplace and society. After having finished compulsory school attendance, the pupils can enrol in occupational schools providing the necessary training for future employment. If a pupil, due to a severe intellectual disability, cannot attend the occupational school, he/

Major efforts of the Government should focus on the establishment of a complete rehabilitation system for citizens with disabilities, which should embrace all age groups of citizens with disabilities and should be effective immediately after the disability is diagnosed.

she can attend a practical school, which also prepares him/her for employment, and develops his/her skills necessary for the every-day life (kitchen assistance, household chores, work in gardens and woodwork).

The National Programme for Development of Living Conditions of Citizens with Disability states the necessity of supporting activities of civic associations.

But, the Government reduces allocations to civic associations for citizens with disability due to decreasing a state budget. For example, its financial support for

publishing ZPMPvSR's magazine "Information" last year was 420.000,- SKK (10.120,- EURO); this year it is only 150.000,- SKK (3.615,- EURO).

## Community-Based Support Services (UN Standard Rule 4)

MANY ASSISTED LIVING FACILITIES HAVE BEEN TRANSFORMED TO HOMES OF SOCIAL SERVICES because of better financial conditions following from the law.

The system of support services for persons with intellectual disability has improved in recent years, e.g. through the establishment of the system of personal assistance. Personal assistance is granted to persons with severe disability from the age of 6 up to 65 on the basis of medical assessment. A person with disability can have up to 10 personal assistants for a number of hours, set by the respective local department of social affairs in compliance with the law. A personal assistant can provide personal assistance for several persons for a maximum duration of 10 hours a day.

States should insure the development and supply of support services, including assisted devices for persons with disabilities, to assist them to increase their level of independence in their daily living and to exercise their rights.

Rule 4 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

According to the amendments to the *Act No. 195/1998 on social aid*, the fixed hourly rate for personal assistance has been set at the amount of SKK 55,- (1.35 EURO), which is paid by the State. This benefit is withdrawn to the client based on the worked hours of an assistant. The client pays the suitable to the assistant each month. The client has to conclude a contract with his/her personal assistant. This contract is sent to the department of social affairs of the responsible local municipality. Each month the client has to submit a form to the local municipality about how many hours each assistant worked with him/ her to check, if the client really needs the admitted number of hours.

Nearly every person with intellectual disability needs a carer. It is a positive fact that the intellectually disabled persons can receive financial contributions for personal assistance. In reality, however, this form of compensation has been awarded only to a small percentage of citizens with intellectual disability. The officials at the departments of social affairs act according to the philosophy of personal assistance whereby the person with disability is the manager of his/her personal assistant. They say that a citizen with intellectual disability is not capable of such management. As a substitute, they offer nursing services to

this group of citizens, which do not enable integration and a normal life in the way in which personal assistance does.

According to the amendments to the Act on social aid, compensations are considered to enable citizens with a severe disability to overcome or to mitigate social impacts related to their health condition. Possible forms of compensation include social services (e.g. transport services, financial contributions provided for the purchase of medical aids, repair of medical aids, purchase of a car, transport, personal assistance, adaptation of an apartment, family house and garage) and nursing allowances (for providing basic personal care, necessary household chores and social contacts).

In 2002, 199.358 citizens received a full financial contributions for help given to people with severe disability which amounted to SKK 5.086.024,- (124.049,- EURO). Compared to 2001 (expenditures SKK 3.6 million (87.786,- EURO)), there was a considerable increase in compensation contributions for additional costs, nursing allowances and contributions towards personal assistance. The expenditures have increased not because of greater awareness of possible forms of help, but especially due to the transfer of beneficiaries from the system of special benefits for citizens with severe disability and old citizens to the system of social aid (the system of social aid offers higher compensation contributions), an increasing number of beneficiaries, increased living costs and increasing social benefits paid according to an increase or decrease of the inflation rate.

The Act on social aid was amended in 2002 and covers all spheres of the system of social aid, i.e. the sphere of social services. A major purpose for the amendments was to decrease the deficit in public finance and to harmonize the economic resources of the Government with the expenditures in the sphere of social aid, in order to make the system sustainable for the future. The amendments responded to the transfer of competencies in the sphere of social services from local government authorities to local self-government and stipulated details on how social services provided by local self-government are to be financed.

A further important development is the establishment of small assisted living facilities, which provide clients with opportunities to develop their capabilities and skills. Although assisted living is anchored in the Slovak legislation, the form of such facilities has not been specified in detail. There is no system for monitoring their quality either. In compliance with the Act on social aid, the quality of services is controlled by the respective local self-government, but such controls focus on financial aspects rather than on the quality of services. In spite of the fact that the Act on social aid has enforced the possibility to establish assisted living facilities, this service is not widespread in the Slovak Republic. The number of such facilities is low also due to financial reasons, as the large homes of social services cost less money. This was also a major reason, why many facilities of assisted living have been transformed into homes of social

services. Most of the existing facilities of assisted living were established by NGOs. They are financed by the local self-government in compliance with the Act on social aid, which enables 100% of the total costs of assisted living to be covered.

Parents are interested in new forms of support services; especially in rural areas where a lack of alternative services is felt. If a necessary service is not available in the respective region, the parents have to look for something suitable in more distant cities. Therefore, the persons with disability who could live with their families are often placed in facilities offering care on a weekly basis. Parents usually prefer a daily care facility. Besides the lack of appropriate facilities in more remote regions of the Republic, parents are missing so called “SOS services”, which are very helpful to single parents, e.g. in providing care for a disabled child when the parent is in hospital.

## Accessibility (UN Standard Rule 5)

THE INTEGRATION OF PEOPLE WITH INTELLECTUAL DISABILITY IN THE EVERY DAY'S LIFE DEPENDS ON overcoming on one hand various environmental barriers. Greater barriers, which are more difficult to overcome, are the attitudes of the society towards people with intellectual disability.

Access to information and easier understanding is anchored in the *Constitution of the Slovak Republic and in the Act No. 211/2000 on free access to information. The Act No. 149/1995 of Code on the sign language for deaf people* guarantees easier understanding for people with severe hearing disability and deaf people through an interpreter to the sign language in TV programmes. It is difficult for people with intellectual

skills has started. But it is not specialized on specific groups like citizens with disabilities.

Parents of persons with intellectual disability consider the governmental information system to be inadequate. They have better opportunities to obtain information about legal amendments related to their children from NGOs. Parents are compelled to exchange the necessary information with each other. Due to the current decentralization process, many competencies are being transferred to local self-government. Therefore, information and advice on disability can be obtained from local self-government departments of social affairs in towns, communities and regions. Parents are generally not satisfied with the way information is provided. They encounter reserved and even arrogant behaviour of officials and a lack of education, sensitivity, empathy and familiarity with the rules of confidential information provision. The officials are often unwilling to provide information. Parents often do not know where they can obtain necessary information given in confidence. They go from one door to the other, trying to find out where they can get help. NGOs need the permission of the Ministry of Labour, Social Affairs and Family to offer social counselling to their clients. They welcome the support of NGOs. “ZPMPvSR” has special accreditation from the Ministry of Labour, Social Affairs and Family and provides general and specific counselling related to intellectual disability.

States should recognize the overall importance of accessibility in the process of the equalization of opportunities in all spheres of society. For persons with disabilities of any kind, States should (a) introduce programmes of action to make the physical environment accessible; and (b) undertake measures to provide access to information and communication.

*Rule 5 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities*

disability to obtain information. Governmental officials are rarely willing to provide information in an easy to understand language. In their opinion, providing accessible information is the task of parents and public associations of people with intellectual disability rather than that of members of the Government. In spring this year, a short general education for all government officials about communication

Rule 5 of the UN Standard Rules states that the preparation of accessibility standards should be done in consultation with organizations of disabled persons. These activities include also information dissemination, which is very important for the parents because of frequent legal modifications, which occur in the social sector in the Slovak Republic. Besides social counselling, NGOs organize various discussions, professional meetings and trainings not only for parents or professionals from other NGOs, but also for officials from departments of social affairs. In spite of the fact that they are invited to such meetings, the officers use those opportunities only seldom.

A barrier free physical environment in the Slovak Republic is legally regulated in the *Regulation No. 192/1994 of Code on technical requirements for buildings*. It is a supportive regulation to the *Act No. 50/1976 of Code on territorial planning and construction rules*. The *Act No. 195/1998 of Code on social aid* (especially § 63) is included as an important legal instrument relating to accessibility of the physical environment. A person with intellectual disability, who meets the conditions stipulated by the law, can receive financial aid for the adaptation of the flat, family house or garage. The financial contribution is bound to a limited number of adaptations, e.g. ramps built for purposes of a barrier free environment.

Parents consider the accessibility of physical environment as inadequate to their needs. They know that the way to barrier free access is gradual. Newly constructed buildings are mostly barrier free. Under the National Programme for Development of Living Conditions of Citizens with Disability, the Government undertakes measures to ensure the adaptation of public buildings and schools for compulsory attendance, within the framework of integrated education.

Parents state a reserved and even arrogant behaviour of officials and a lacking education, sensitivity, empathy and familiarity with the rules of confidential information provision. They are often unwilling to provide information.

Several public associations issue their own magazines, which are a basic medium for dissemination of news. "ZPMPvSR" issues the magazines "Information" and "That's Us"; the Down Syndrome Society publishes the magazine "Sunflower"; the Board for Counselling in Social Work issues the magazine "Integration". Recently, governmental subsidies have been greatly reduced not only for publishing magazines, but also in the sphere of social counselling done by NGOs. It will considerably limit further activities, which aim to disseminate information to the general public.

## Education (UN Standard Rule 6)

SEVERAL YEARS AGO, THE EDUCATION OF CHILDREN AND YOUNG PEOPLE WITH INTELLECTUAL disability was refused. As the right to education also for people with disability was acknowledged, special schools were established on the basis of segregation of disabled children from their natural peer groups and families.

The legislation concerning the general education of children, youths and adults in the Slovak Republic is regulated in altogether 22 Regulations and 4 Ordinances. *Article 42 of the Constitution of the Slovak Republic* warrants that all citizens have the right to education and that school attendance is compulsory.

States should recognize the principle of equal primary, secondary and tertiary educational opportunities for children, youth and adults with disabilities, in integrated settings. They should ensure that the education of persons with disabilities is an integral part of the educational system.

*Rule 6 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities*

In the past, children and young people with intellectual disability had been considered incapable of being educated. The philosophy, that people with intellectual disability cannot be educated, was rooted

in the efforts to "protect" the society from such people. Therefore, they were previously exempt from compulsory school attendance. The reason for such an attitude was the belief that the condition of a person with intellectual disability cannot be changed or developed. The intellectual capacity of people with intellectual disability was underestimated; they were considered inferior. Since 2000, young people with intellectual disability have the opportunity to continue their education also after having finished a special school. This option for young people with moderate or severe disability is available due to the establishment of practical schools. The period of education in practical schools is legislatively harmonized in law with that in vocational schools and lasts three years.

The change in the education system of people with disabilities is to be completed within the framework of the Millennium project and its implementation from 2010 to 2015. Besides other things, the Millennium

project has the objective to establish special integrative classes, to organize preparatory classes for disabled children and to stream the curricula of special primary schools according to the children's abilities.

With regard to the statistics and the prognoses of December 2002, there were 923.624 children aged between 6 and 18 in the Slovak Republic. The estimated literacy rate in the Slovak Republic is 99.9%. The percentage of literacy in respect of children with intellectual disability is unknown, since no statistical data is available on this subject.

In 2000, there were 389 special schools for 30.472 pupils in the Slovak Republic. They were staffed with 4 455 full-time teachers, 319 part-time teachers, 604 vocational trainers, 125 educators, medical staff and psychologists. The number of pupils attending special schools was as above and included pupils with intellectual disability. 12 experimental practical schools for children with intellectual disability have been established in Slovak Republic in 2000. By the end of 2002, there were 121 integrative classes, 18 public nurseries, 2 church nurseries and 9 public integrative kindergartens for children with intellectual disability in the Slovak Republic. In compliance with *Act No. 229/2000 of Code* regulating practical schools and training institution, it is possible to establish classes for pupils with intellectual disability at large residential institutions, but their number has not been mapped yet.

NGOs enter into co-operation with special schools without any difficulty. The co-operations focus mainly on the dissemination of information on various disability issues and educating teachers, parents of people with intellectual disability, volunteers and professionals of social services. The aim of NGOs is not to establish new special schools, but to establish integrated classes in order to start to change the thinking

of the society and to fight against prejudices against people with intellectual disability. "ZPMPvSR" organizes educational activities for young people with intellectual disability with respect to their needs and interests, aiming at them leading more independent lives and becoming integrated into society.

The attitude of the society towards the education of people with disabilities is gradually changing. Children with mild intellectual disability may be educated in mainstream school, but due to lacking financial resources this option is often irrelevant.

Parents are not fully satisfied with the system of education for their disabled children. The greatest barrier to mainstream schools seems to consist in the negative attitude towards integrated education for disabled people. The relationship between parents and teachers is considered good. On the whole, it is rather difficult for the parents to achieve the admission of their children to mainstream schools. Teachers at mainstream schools have a generally positive relationship with disabled children, but most of them refuse their inclusion in the mainstream education system. Such attitudes may be due to insufficient professional training to prepare them to work with disabled children and the lack of experiences they have with them. The present financial situation of the schools does not allow them to employ special teachers or assistants for the education of one or two pupils with intellectual disability in an integrated class. Bullying is another reason why not all children with intellectual disability attend integrated schools. Therefore, a more and more up and coming question is how to eradicate the prejudice which people with intellectual disability face daily.

## Employment (UN Standard Rule 7)

THE SLOVAK REPUBLIC HAS A HIGH UNEMPLOYMENT RATE. LIKE THAT IT IS EVEN MORE DIFFICULT for citizens with changed work capacity to find a job. The Government has to seek proper solutions in form of legislative regulations like tax allowances, incentives for entrepreneurs employing citizens with changed work capacity and support for the establishment of sheltered work facilities.

A citizen with a changed work capacity, whose opportunities for systematic preparation for employment are substantially limited due to his/her permanent ill health condition, is recognized as partially disabled (§ 37 *Act No. 100/1998 on social security*). A citizen with changed work capacity with a more severe disability is a person who is capable of doing a permanent job only under special conditions and who can systematically prepare for employment only

under special conditions due to his ill health condition. Changed work capacity is proven by the citizen with a decision or certificate of disability or partial disability issued by the Social Insurance Office.

The present system of care for citizens with changed work capacity in the field of employment is regulated by several laws concerning assisted employment for citizens with changed work capacity, their preparation for employment and the creation of conditions for

their employment as well as stimulation and support of their employment. Article 38 of the Constitution of the Slovak Republic states that persons with disability, classified among risk groups in the labour market, have the right to increased health protection in work, to special working conditions, to special protection in industrial relations as well as to assistance in their preparation for employment.

States should recognize the principle that persons with disabilities must be empowered to exercise their human rights, particularly in the field of employment. In both rural and urban areas they must have equal opportunities for productive and gainful employment in the labour market.

*Rule 7 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities*

At present, the Slovak labour market policy is regulated by the *Act of the National Council of the SR No. 387/1996 of Code on employment*. It regulates the employment of citizens with changed work capacity and citizens with changed work capacity with a more severe disability as well as the employers' obligations to employ such citizens. The labour market policy is formulated both within the competence of the Ministry of Labour, Social Affairs and Family as the central government agency and the National Employment Agency as the statutory institution. The labour market policy includes among other things the development of a labour market policy and conception, legislative proposals in the field of employment and the proposition of measures related to the implementation of commitments enforcing international treaties in the field of employment.

According to § 148 of the *Labour Code*, the employers are obliged to employ persons with changed work capacity in appropriate jobs and to enable them to acquire and further develop the necessary qualification through training or education. Employers are furthermore obliged to create such working conditions, which enable employees with changed work capacity to full and permanent self-actualisation in their work. It is stated in the Code, that sheltered workshops or workplaces are workplaces established by a legal or physical person, where at least 25% of the employees are citizens with changed work capacity or workplaces where the citizens with changed work capacity are being prepared for work.

Citizens with changed work capacity and citizens with changed work capacity with a severe disability are granted vocational training to enable them to get a proper job and to maintain it. It includes job coaching, job seeking, job training and creation of suitable working conditions. Vocational training can take place on the employers' premises or in vocational training facilities.

Financial support for citizens with changed work capacity is possible through grants given to legal or

physical persons to establish sheltered workshops and sheltered workplaces, through financial contributions towards their running costs; as well as through training and support for the citizen with changed work capacity during his/her preparation for work.

Several laws stipulate the obligatory proportion of employees with changed work capacity and employees with changed work capacity with a more severe disability. An employer, who does not observe this provision, is obliged to pay a fee to the respective authority, which is in turn used to finance the active labour market policy and to support the employment of citizens with changed work capacity in the region concerned. Since January 1999, tax relieves are offered to employers, that fulfil this obligation.

At present time, there are four Slovak NGOs devoted to integrated employment of disabled citizens. Their mission is to improve the employment opportunities for citizens with intellectual disability by preparing persons with intellectual disability for employment, seeking for suitable jobs, communicating with employers and negotiating agreements on suitable working conditions for citizens with intellectual disability and collaborating actively with employment agencies. However, this cooperation is not without its problems, such as the lack of suitable jobs or the attitude of employers towards persons with changed work capacity. The problem in employing citizens with intellectual disability is also their partial or complete lack of education. At present, the employers require professional qualifications as necessary for the respective job. Therefore, NGOs consider that priority must be given in the education of persons with light intellectual disability to their preparation of appropriate requalification courses.

Another problem related to integrated employment is that of the low level of awareness about people with intellectual disability experienced amongst the general public and employers. They do not understand people with intellectual disability and as a consequence, they are afraid to employ them. Raising awareness of the needs and capacities of people with intellectual disability in society is essential. It is one of the priorities of NGOs.

In the first half of 2002, there have been up to 30.000 unemployed persons with disability. Their number represented 5.7% of all registered unemployed persons.

In the first half of 2002, there were up to 30.000 unemployed persons with disability. Their number represents 5.7% of all registered unemployed persons. In the Slovak Republic, there are no unemployment statistics related to specific impairments available; therefore, the number of unemployed citizens with intellectual disability is unknown. Most of the registered unemployed persons with disability have great

difficulty in finding a job, especially persons with intellectual disability. Their position in the labour market is one of the worst compared to people with other impairments. In the first half of 2002, the National Employment Agency gave grants amounting

to SKK 135.900,- (3.275,- EURO) not only for the creation of new jobs for unemployed disabled people but also for the establishment and operation of sheltered workshops and workplaces, which led to the employment of 1.987 persons with disability.

## Income Maintenance and Social Security

(UN Standard Rule 8)

THE SLOVAK GOVERNMENT HAS UNDERTAKEN THE ADOPTION OF SYSTEMATIC REGULATIONS of the relationship between disability pensions, partial disability pensions and income for work in order to enable people with disability to work within a specified scope.

With respect to the economic situation in the Slovak Republic and the situation of citizens with disability and their families, it is necessary to maintain under certain conditions a salary and the possibility of concurrent full or partial disability pension, including allowances to cover supplementary costs brought on by disability. According to the National Programme, the compromising solution is the concurrence of pensions with salary for citizens, whose net income including allowances does not exceed a given multiple of the unreduced income for work.

States are responsible for the provision of social security and income maintenance for persons with disabilities.

Rule 8 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

There are three basic forms of social security existing in the Slovak Republic: social insurance, state social support and social aid.

*Social insurance* is a contributory system, which obliges insured persons to pay contributions. Social insurance is based on the principle of separate institutions in the field of medical insurance, pension and health insurance, unemployment insurance, supplementary insurance and individual insurance. It includes benefits such as sick pay, pensions, compensations for occupational accidents and occupational diseases and supplementary pensions. According to the *Act No. 277/1994 of Code on medical care*, medical care is either provided free of charge or for payment on the basis of obligatory medical insurance or contractual insurance. Mobile departments or institutions in form of private, secondary and follow-up medical care in governmental or non-governmental facilities provide medical care. Besides such a system, a private social insurance system exists to offer further supplementary income resources. In 2002, 223.330 persons received disability pensions with an average monthly amount of SKK 5.636,- (137.50 EURO). The number

of persons receiving partial disability pensions was 69.978 in 2002. The average monthly amount of partial disability pension in 2002 was SKK 2.991,- (73,- EURO). Elderly citizens and citizens with disability, whose necessities are not secured, can receive a social pension as a facultative compensation of an amount depending on the subsistence level. In 2002, 5.212 social pensions were paid to a total amount of SKK 248.399.000,- (6.058.000,- EURO).

*State social support* is financed from general tax revenues. It is a system of direct allowances paid by the Government as social help in crisis situations. State social support is a system of benefits for families with children to cover the costs of their education and subsistence including e.g. child benefits, parental benefits, care benefits, and housing allowance. A basic tool in the system of state benefits is the subsistence level and the sum of state social benefits, i.e. the system depends on the income.

*Social aid* completes the system of substitution resources in situations of material or social need for the most vulnerable groups of citizens. A citizen is in material need, when his/her income is lower than the subsistence level stated by the law. Social need is a condition, when a citizen is neither alone nor with the help of his/her family able to ensure self care of himself/herself, his/her household, protection and exercise of his/her rights and interests safeguarded by law, contacts with social environment, in particular due to his/her age, ill health condition, social inadaptability or loss of employment. Social need is considered also to be a condition, when a citizen with severe disability needs to relieve or overcome the social impact of his/her disability. A citizen is expected to cooperate actively, while the society helps him/her to secure the basic living conditions in his/her natural environment and prevents him/her from experiencing, deepening or repeated mental, physical or social disorders. A citizen in material or

social need can be granted social counselling, social and legal protection, social services, social benefits, financial contributions or services to compensate his/her disability. In general, material need of a citizen is solved by the provision of financial social benefits, while social need is solved by the provision of social services. Compensation of disability may be solved by financial contributions and/or social services. In 2002, the average monthly number of persons receiving social benefits was 320.650 with an total amount expended for this purpose to SKK 11.429.013,- (278.756,- EURO).

Social counselling should be at the very beginning of social work. It should help the citizens to clarify their social situation and their own capacity to relieve this situation as soon as possible.

There is a general rule existing that a citizen in social need is to be helped especially by his/her family. However, the support services for families who care for their relative with intellectual disability are insufficient or not available at all. In the existing social aid system, these services are in shortest supply. Financial contributions are not always the best and sufficient solution. A citizen in social need should receive the help tailored to his/her individual needs.

NGOs perceive the system of social security as insufficient. Decision-making procedures on compensations for citizens with intellectual disability are

bureaucratic. Too often, the aim seems to be not to improve his/her situation but to save financial resources. A citizen with intellectual disability is not able to advocate for himself/herself in the assessment proceedings. He/she needs the family to do this or requires help from NGOs. Social workers do not always make the right assessment and fail to provide compensations.

Laws do not expressly prescribe when to use a particular form of social aid. The task of social workers is to analyse the situation and reasons of need, to identify the appropriate form of social aid and to follow whether it is effective.

In the opinion of parents, state financial support for citizens with intellectual disability is insufficient and allocated in an unfair way. Many parents are concerned about the future of their child after they die. If a parent stays at home because he/she cares for a child or an adult with intellectual disability, he/she can receive financial care compensation. If the parent cares for a person with severe disability, the monthly amount of care contribution is of SKK 6.000,- (145,- EURO). This contribution does not compensate for their permanent stress. They live with minimum opportunities to develop their cultural lives, to cultivate social contacts and to enter into new contacts with the environment. They live only for their child, because of a lack of respite services for the family.

## Family Life and Personal Integrity

(UN Standard Rule 9)

THE FAMILY GIVES A PERSON MORE OPPORTUNITIES TO GROW AND DEVELOP HIS CAPABILITIES and skills at an adequate level than an institutional environment. Therefore, the social policy of the Government must increase the support for families with a disabled child.

The Constitution of the Slovak Republic No. 460/1992 of Code guarantees in various Articles "Basic Rights and Freedoms" for Slovak citizens, that are vested, unalienable, unprescribable and irrevocable.

States should promote the full participation of persons with disabilities in family life. They should promote their right to personal integrity and ensure that laws do not discriminate against persons with disabilities with respect to sexual relationships, marriage and parenthood.

Rule 9 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

Article 12 guarantees "to all people freedom and equality in dignity and rights"; Article 14 guarantees, that "everybody has the capacity to rights"; Article

19 states, that "everybody has the right to preserve human dignity, personal honour, good reputation and name. Everybody has the right to protection against any unjustified intervention into his/her private and family life". The right to take part in public administration directly or through elected representatives is guaranteed by Article 30. The conditions to exercise the right to vote are regulated by the Act No. 80/1990 of Code about elections to Slovak National Parliament. But the Act of the National Council of the SR, which regulates the execution of the right to vote, beyond the legal framework set up by the Constitution, precluded persons who were declared legally incompetent from exercising their right to vote.

In many cases, the right to personal integrity is broken by interdiction. Legal capacity issues are

regulated by the Civil Code and by the Court Rules of Procedure. *The Civil Code No. 40/1964* stipulates the reasons and procedure for declaring a citizen legally incompetent. The law includes no regulations for persons with intellectual disability; there is just the term “physical person with mental disorder which is not only transient”. The law declares the meaning of legal incapacity as a measure “in interest of those persons, who are not able to control their behaviour and to consider the consequences thereof”.

Legal capacity issues are decided by court. The proceedings are initiated at the request of any person with the capacity to sue, i.e. a family member, authority, medical institutions or the court itself when it comes to the knowledge of facts necessary to initiate such proceedings (e.g. from another legal proceedings). Except for a medical institution, the party bringing the action must submit also medical assessment of the person’s health condition, giving reasons for the commencement of action. The court appoints an expert – a psychiatrist – to assess the health condition of the person concerned. The law does not

“The Government should consider, how much financial resources from the national budget is needed to cover the costs of care for a client in a large residential institution, and how much is needed when he/she is in the care of the parents.” (A parent from Trenčín)

distinguish between persons with intellectual disability and other persons with mental disorder (e.g. drug addicts). The court can waive the interrogation of a party, if it is not possible or if it could cause harmful consequences to the health condition of the interrogated person. In such cases, the court does not even notify the party concerned with the judgement. When the declaration of legal incompetence enters into force, the court appoints a guardian, whose actions should aim at the provision of help, protection and supervision with respect to the needs of the person in question. However, the guardian does not always acts in compliance with this principle. Sometimes, their performance is only formal (e.g. a director of a residential institution). In some cases the guardianship is perceived as protection allowing the incapacitated person to make no decision. There is no consistent control system for monitoring existing guardians. Sporadic surveillance by the court is focused only on the disposal of property.

It can be stated that the parents perceive a declaration of legal incompetence as interference with human personality, a “restriction” rather than “pro-

tection”. Even legal proceedings are doubtful – the court is not bound by the request. The issues of interdiction are insufficiently regulated. In practice, many problems occur. When a person is declared legally incompetent, he is deprived of any legal instrument and action, of the right to vote and the right to personal identity. Such a person has no right to have an identity card. *The Act on Identity Cards* is in conflict with the Act on social aid, which states that the certificate of severe disability is valid only together with the person's identity card. It is a great infringement upon the basic human rights guaranteed by the Constitution.

*The Family Act No. 94/1963* stipulates conditions precluding a marriage and precludes a marriage to citizens with mental disorder. The court may agree to a marriage, if the health condition of the citizen is compatible with the social purpose of marriage.

Major financial compensations, enabling the citizens with intellectual disability to integrate into society and to live in their families, are given in form of financial contribution for *personal assistance*, compensation for extra costs and nursing contribution. Personal assistance should give the citizens with intellectual disability the opportunity to have social contacts, access to information or provision of necessary care and help with household chores. *Financial contribution to compensate for extra costs* is provided to cover supplementary costs incurred due to clothes, shoes, household furnishing, special diet and other costs brought on by disability. *Nursing contribution* is to provide personal care for citizens with disability, to help them with household chores and social contacts. Besides these contributions, the parents of minors are entitled to receive *parental contribution*. Most of the disabled citizens receive *disability pensions and contributions*, which will be cancelled due to the reform of the pension system.

Parents do not agree with the changes in disability pensions and with the reduction of contributions. According to their experiences, their children are not able to cover their costs of living by themselves. They are dependent on financial support from the parents. They suggest that this problem can be solved through a reallocation of financial resources between institutions providing care for citizens with intellectual disability and the parents who care for their child themselves. Furthermore, the parents lack a high-quality network of social services, which should help to develop the skills and capabilities of their children and provide better leisure time activities not only for them but also for the other family members.

# Culture (UN Standard Rule 10)

IN THE PAST, THE STATE AID FOR PEOPLE WITH DISABILITIES HAD BEEN FOCUSED PARTICULARLY on meeting their essential subsistence related needs. People with intellectual disabilities lived rather excluded from the society and cultural life.

Rule 10 of the UN Standard Rules states, that Governments should ensure that persons with disability have the opportunities to utilize their creative, artistic and intellectual potential not only for their own benefit, but also for the enrichment of their community; in the country and the city alike. The participation of the Government in the creation of conditions meeting the needs of people with disabilities is expected also in the area of culture.

States will ensure that persons with disabilities are integrated into and can participate in cultural activities on an equal basis.

Rule 10 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

The Constitution of the Slovak Republic guarantees disabled citizens the right to take part in the public cultural life. The Government has to ensure the access to cultural institutions for people with limited capability to move, the accessibility of sidewalks, parks, etc. The Regulation of the Ministry of Environment of the Slovak Republic No. 192/1994 of Code defines technical requisitions for buildings used by persons with limited capability to move. According to the National Program for Development of Living Conditions of Citizens with Disability, besides ensuring accessibility of cultural memorials and facilities, the Government has the obligation to encourage the participation of disabled people in other cultural activities.

People with intellectual disability can participate in cultural events, e.g. Christmas parties, whereas the opportunities to participate in cultural life are greater in cities than in rural areas. Parents as members of small NGOs, prepare various cultural events on their own initiative for their children with intellectual disability. Bigger NGOs prepare cultural events not only for citizens with intellectual disability, but also for the general public with the aim to raise awareness and to support their integration into society. The Slovakian NGO “The Passage Theatre” organises theatre

performances with people with intellectual disability as actors. The theatre from Banská Bystrica aims at showing to the public who people with intellectual disability are and what they know and can do. In 2003, “ZPMPvSR” organised the 8<sup>th</sup> Salon of Fine Arts, an annual national exhibition of art works of people with intellectual disability open to the public. This year, the civic association “Inclusion” prepared the 3<sup>rd</sup> Radnička Fair, where products manufactured by employees of sheltered workshops and clients of social services from the whole of the Slovak Republic were exhibited and sold. The Slovakian foundation “Country of Harmony” organises each year the “Fancy Workshop”, an international festival of fantasy and creativity of people with intellectual disability.

The cooperation between NGOs and the Government is not only limited to financial subventions. NGOs, as well as high-level personalities, address representatives of the Ministries or local self-government to endorse cultural events in which persons with intellectual disability participate as events to raise awareness among different groups. In recent time, financial resources for cultural events are decreasing, because the primary priority of the Government is to find a solution for the unfavourable social situation of Slovak citizens. Due to the low national budget, subventions for certain cultural events were shortened.

The situation of life of people with intellectual disability is better than in the past. They have the opportunity to take part in activities. This is a first step to integration.

Another step to cultural integration is personal assistance. The assistant does with the disabled person all the activities he/she likes. They go to the theatre, the cinema, the swimming pool etc. An assistant shows him/her new way to develop his/her skills or leisure time. Parents are often very busy, and that is why personal assistance is a positive step towards more integration into society.

# Recreation and Sports (UN Standard Rule 11)

FINANCIAL RESOURCES FOR SPORTS AND RECREATION ARE ASSIGNED FROM THE NATIONAL budget to at least 0.5% of the total annual state budget.

The care for physical culture and the obligations of the Government, communities, NGOs, and other legal entities are regulated by the *Act No. 288/ 997 of Code on physical culture and on the modification of and amendments to the Act No. 455/1991 on trade enterprising of October 3<sup>rd</sup> of 1997*.

States will take measures to ensure that persons with disabilities have equal opportunities for recreation and sports.  
*Rule 11 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities*

The Ministry of Education of the Slovak Republic as the central executive agency of governmental care for physical culture cooperates with other entities in order to fulfil tasks in the sector of physical culture. It prepares conceptions and programmes of physical culture development, coordinates their implementation and supports activities of civic associations and legal and physical persons operating in the sphere of physical culture. Moreover, the Ministry supports the organization of major sports events at national and international level, including sports activities in which people with disabilities take part.

Financial resources for physical culture are assigned from the national budget to an amount of at least 0.5% of the total annual budget or to the amount stipulated by the *Act No. 288/1997 of Code on physical culture and on the modification of and amendments to the Act No. 455/1991 by the Government*. Financial support in form of grants is given to civic associations and other organizations from the Ministry of Education and the Ministry of Labour, Social Affairs and Family. But out of the whole financial support provided for sports activities, people with intellectual disability receive the lowest support. The consequence is a minimum participation of people with intellectual disability in international sports activities. As organisations of people with intellectual disability obtain the least financial support of all organisations in the disability sector for participation in international sports activities, they have to look elsewhere for other forms of financial support. This can be from sponsors, donors, and incomes from sports

events or through cooperation with other associations of people with disabilities.

The Special Olympics Association of the Slovak Republic is member of the worldwide Special Olympics organisation. It includes 120 clubs, which develop sports activities for people with intellectual disability all over the country. The Government, however, does not accept people with intellectual disability as representatives of the country in international sports activities. Special Olympics should engage as many people with intellectual disability as possible in sports events. It is manifested also by the Special Olympics Programme with specifically adapted development programmes, which is aimed at a maximum participation of people with intellectual disability in sports events with various levels of disability.

Rehabilitation camps for self-advocates and families are popular integration activities. As well as therapeutic and social rehabilitation, mutual exchanges of experience between families from the whole of Slovak Republic can also take place. The annual rehabilitation camps are partially funded by the Ministry of Labour, Social Affairs and Family with 55%. Parents have to pay 42%, sponsors contribute usually around 2% and 1% is covered by own financial resource of "ZPMPvSR".

Parents wish to see their children participating more often in recreation and sporting activities. Unfortunately, many sport facilities are not appropriate for their needs, the staff is not sufficiently trained or parents have to travel with their children to bigger cities, because in their region no facilities yet exist. The most popular sports activities are swimming, athletics, gymnastics and cycling. Better prospects for participation are offered to the people living in homes of social services on a daily, weekly and yearly basis. There is a greater chance that people with intellectual disability can take part in sports activities when they offered supervision by professional staff. Civic associations organize sports activities in groups where several family members can participate or they carry out so called "weekends of health", sporting days and rehabilitation camps aiming at integrating people with intellectual disability into society.

# Religion (UN Standard Rule 12)

THE CHURCH AND RELIGIOUS ORGANIZATIONS ARE OPEN TO COOPERATE WITH ORGANIZATIONS for disabled people and offer their attendance in religious events. Despite the fact that people with intellectual disability have the right to attend religious events, the priests often do not have sufficient knowledge about people with intellectual disability and are not familiar with the topic.

*Act No. 460/1992 of Code, the Constitution of the Slovak Republic and the Constitutional Law No. 23/1991 of Code, that has introduced the Bill of Primary Rights and Freedoms, guarantee religious freedom in the Slovak Republic.*

States will encourage measures for equal participation by persons with disabilities in the religious life of their communities.

*Rule 12 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities*

After 1989, the quality of the relation between the church and the Government has significantly improved. Church organizations are separated from the State. *The Act No. 308/1990 on church and religious communities regulates conditions for the existence and the activities of the church in Slovak Republic and stipulates conditions for the operation of church facilities, including charity facilities. The amendment to this law, Act No. 394/2000 of Code, declares equality of religions and entitles any church to close a contract with the State. Act No. 192/1992 of the Code on registration of church and religious communities regulates conditions of church registration. The Civil Code stipulates the terms and conditions for associations of legal persons, and the constitution of an association.*

The Government has asked religious institutions to include information about people with disabilities and their possibilities of integration into society in their education programmes and in their religious and theological education curricula. Within this survey it was not possible to collect the data on whether the church institutions are carrying out this request or not. Religious classes at regular primary schools and also at special primary schools are not compulsory. Whether people with intellectual disability understand religious activities depends on the extent of their disability.

People with intellectual disability and their families have the right and the opportunity to take part in religious activities. However, church buildings are not always accessible to them. The obligation of the Government in accordance with the National Programme for Development of Living Conditions of Citizens with Disability is to develop a map of barrier free churches and to create at least one barrier free church in every region in Slovak Republic within the next 10 years.

Religious organizations are open to cooperate with organizations related to disabled people. On the other hand, Church representatives are not always familiar with the topic of intellectual disability. The social services home in Pezinok welcomed the opportunity of catechism for their residents. However, the priest was not familiar with the thinking of people with intellectual disability and considered their slow advance in learning insufficient. After some time he quit being involved. Despite the fact that people with intellectual disability have the right to attend religious events, the priests often do not have sufficient knowledge about people with intellectual disability.

Every citizen of the Slovak Republic has the right to confess a religion and to take part in religious activities. However, church buildings are not always accessible for people with intellectual disability.

Within their scope of activities, NGOs can cooperate with church organizations. This depends on the individual approach of particular organizations. "ZPMPvSR" is based on civil principles; its members can be people with or without religion. In some activities the Association collaborates actively with religious organizations, e.g. the Forum of Life on the occasion of the Declaration of Rights of Conceived Children.

# Organisations of Persons with Disabilities

(UN Standard Rule 18)

DUE TO THE IMPACT OF SOCIAL PHENOMENA (E.G. UNEMPLOYMENT), THE PRIORITY of the Slovak government is focused to activities related to these problems. Solutions for disability issues remain in the background. NGOs have only little influence on governmental decision, despite the Board of the Government of the Slovak Republic for the Issues of Citizens with Disabilities.

The relation between the State and the non-profit sector has changed in accordance with political and social developments. Favourable conditions for the establishment of civic associations in the Slovak Republic occurred in the period between the First and Second World War and after 1989. Besides new regulations for legal entities established for enterprising purposes, after 1989 the attention has been devoted also to non-profit making legal persons. In addition to the *Act No. 83/1990 of Code on association of the citizens, Article 29, Clause 1 of the Constitution* states that everybody has the right to associate with other persons in societies, unions or other associations. Furthermore, the Civil Code stipulates the conditions for the establishment of non-profit making associations of legal persons.

The system of governmental support for organizations associating citizens with disabilities and their families comes especially from financial support in form of project grants, which are awarded on the basis of a submitted project proposal. Eligible topics are limited to rehabilitation camps for citizens with disabilities and their families, leisure time, sports and other activities, publications, counselling and collection of examples of good practice. Particularly the Ministry of Labour, Social Affairs and Family, the Ministry of Education, the Ministry of Culture and the Ministry of Finance offer financial support to civic associations. According to the National Programme for Development of Living Conditions of Citizens with Disability, the Government wants to enable citizens with disability to take part in the implementation of measures related to all spheres of their lives and to financially support their active engagement in society.

The Government supports the advisory role of organizations of citizens with disabilities. Therefore, an advisory committee to the Board of the Government of the Slovak Republic for the Issues of Citizens with Disabilities (“RV SR POZP”) with permanent representatives from the Government was founded.

Its establishment was preceded by the establishment of the Coordination Committee for the Issues of Citizens with Disabilities in 1995, which had worked as the advisory body to the Government of the Slovak Republic, standing for particular disabilities represented by selected civic associations. The mission of the present Board of the Government is to cooperate with the Government concerning the development of legislation related to persons with disabilities. The Minister of Labour, Social Affairs and Family chairs the Board. NGOs working with people with a disability consider the cooperation between NGOs and the Government as insufficient. According to NGO representatives, the “RV SR POZP” does not take a strong

enough position towards the Government and fails to make it fully accept their comments on legislation. NGOs criticise the fact that they are given very little time to comment on relevant legislative proposals relating to people

with a disability. Thereof, they do not have enough time to mutually consult on legislative proposals either. It should be noticed that despite the efforts of NGOs, their comments are seldom taken into account while preparing new laws are being formulated.

A better cooperation exists among the organizations in the third sector. There is the tendency to collaborate with organizations whose activities are focused on similar issues. “ZPMPvSR” and its local branches, the Board for Counselling in Social Work, the Agency for Assisted Services, the Down Syndrome Society, the Special Olympics Movement, “Inclusion” and others organisations are working and mutually cooperating successfully in the sphere of intellectual disability.

Foreign foundations are slowly leaving the Slovak Republic. The pre-accession funds have provided only minimum support for NGOs so far. Due to the impact of other social phenomena (e.g. unemployment) in the Slovak Republic, the priority is being given to the activities related to these problems and solutions for disability issues remain in the background.

States should recognize the right of the organizations of persons with disabilities to represent persons with disabilities at national, regional and local levels. States should also recognize the advisory role of organizations of persons with disabilities in decision-making on disability matters. *Rule 18 of the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities*

The operation of civic associations is based on the principle of self-funding. Besides subventions from the Government, their income consists of membership fees, donations and grants. In 2002, the Ministry

16 000 NGOs are registered in the Slovak Republic. The membership in associations gives parents not only the opportunity to take part in activities, but also to use among other things social counselling services which are not sufficiently provided by the departments of social care at the local government.

of Labour, Social Affairs and Family allocated subventions to civic associations to the amount of approximately 35 million SKK (836 000,- EURO). In 2002, it allocated 70.5 million SKK (1.7 million EUR) for social, humanitarian and charity purposes to a broader group of applicants.

Since 2002, the taxpayers (in this case physical persons) have got the option to allocate 1% of their income tax to various charities. It has been a positive change as individual citizens have now the opportunity to decide how their tax is going to be used. Otherwise the Government would allocate it to particular sectors to meet national needs. In 2003, there have been 3 386 organizations of the third sector registered to receive 1% of the income tax. The disadvantage of such acquisition of financial means is the fact that organizations operating in the Slovak Republic for at least one year must register at the Chamber of Notaries each year in order to have the right to apply for that money. This takes time and money. From 2004 on, there should be a new opportunity to get financial resources for the third sector thanks to the 1% of income tax of legal persons. After that time, receipt of much higher amounts is expected.

## Large Residential Institutions

IN 1999, THE SLOVAK REPUBLIC STARTED THE PROCESS OF TRANSFORMATION and de-institutionalisation of large residential institutions. In spite of that, the steps to better life quality for people with intellectual disability in large institutions have advanced very slowly and their living conditions have not greatly changed yet.

Care in facilities run by social services may be provided for a citizen who cannot be offered any other social service or in cases where such services are insufficient with respect to his/her condition. District and regional authorities can establish the following social services facilities: homes of social services for children who are provided with permanent care; foster homes; crisis centres; and re-socializing centres. Communities can establish: social services homes for children who are cared for on a weekly basis; social services homes for adults who are cared for on a permanent or weekly basis; homes for elderly people; single parents' homes; nursing clinics; fostering facilities; sheltered hospitals. The care in facilities is provided on a permanent, weekly or yearly basis, but also on an ad hoc basis for a defined period of time.

At present time, there are 118 homes of social services existing in the Slovak Republic. The character of 60% of the existing institutions does not meet the needs of the clients. There are 47 of them with up to 49 inhabitants; 31 for 50 – 100 inhabitants; 28 for 101 – 150 inhabitants and 12 with 151 and more inhabitants.

The Inspectorate at the Ministry of Labour, Social Affairs and Family is responsible for the quality control and supervision of social services, particularly in respect of the protection of primary human rights and freedoms

for the citizens during the provision of services. According to the report submitted by the Ministry of Labour, Social Affairs and Family to the Slovak Government in 2001, major failures have been found in the domain of material and technical equipment and personnel. Serious objections were raised particularly to closed departments, where freedom of movement had been restricted to some persons with mental and behavioural disorders and psychiatric diagnosis in acute condition. Some were even put in a cage bed. Local authorities operate another control system, but it is focused rather on financial control, while there is minimum supervision of the quality of services.

A client is admitted to the institution on the basis of an application submitted directly to the respective institution. Most of the institutions are separate legal entities. In case that the institution is not a legal body, the application is to be submitted to the institution's owner (local self-government, regional authority, NGO). Applications for the admission to institutions owned by the State or local self-government are to be submitted on uniform application forms. Besides the outdated name "institution of social care", also their content of the forms is inappropriate and does not meet the present requirements. *The Act No. 71/1967 of Code on administrative action* regulates further admission

procedure. The application is decided on by the director of the institution or by the statutory representative of the owner. The director is obliged to consult the application with professionals or a commission. If the institution has a place available and the client fulfils the admission criteria, the director will make the decision about admission. If there is no vacancy, the director will put the client on a waiting list. After a place becomes vacant, the application will be reconsidered to find out if there is a continuing need for the social service to be offered.

Since July 1st 2002, the Slovak Republic intensively transforms and decentralizes social services. Regional self-governments have taken over from regional authorities social services homes providing daily and weekly care. From district authorities they have taken over sheltered hospitals, single parents' homes, fostering facilities and rehabilitation centres. Even after the decentralization and transfer of some state owned institutions to communal or regional self-government, *Act No. 416/2001 of Code on transfer of competencies* preserves the right of all existing subjects to establish social services (regional or district authority, regional self-government, community and physical or legal entities).

Through the transformation and decentralization of social services, the Government wants to change their system and quality. Living conditions and development opportunities of clients in large institutions are not appropriate; their right to privacy is suppressed. Social services homes are still segregated institutions for men and women. According to the results of a monitoring survey undertaken by the Board for Counselling in Social Work, the majority of institutions are situated in remote locations. Large institutions do not provide the space for individual personal development. Due to the great distance between many institutions and the clients' home, a lack of social contacts between the person with a disability and his/ her family and relatives is notable. Incapacity of the client is usually an unwritten condition of admission to an institution. Legal responsibility for the client is transferred to the director of the institution, who is the legal guardian of all incapacitated clients in the institution. One may well ask therefore what the quality of such guardianship is like and how one person can meet the needs of so many individually different clients and support their development? Moreover, homes of social services provide no personal prospects for their clients. Particularly for those with medium and severe disability, the home is often the first and last place where they will live. The larger the institution is the lower is the client's life quality, development and right to privacy. The clients of large institutions spend all their time inside the building. With a routine of daily occupational rehabilitation activities right through to free time, they don't leave the institution. In reality, the clients have very little opportunity for closer contact with the local community outside

the institution. Large institutions slowly try to improve the life quality of their clients.

Despite the above-mentioned negative characteristics of the existing services in institutions, there have been positive developments, such as new training programmes, efforts to implement individual education programmes, cultural and sporting activities and efforts to modernize, reconstruct and adapt the buildings in order to provide a higher life quality. Residents in institutions usually have their own bed; they can wear their own clothes. Homes of social services can be visited after making a prior appointment.

Facilities of social services are funded from the national, community or regional budget. Contributory organizations and subjects providing social services according to the *Act No. 195/1998 on social aid* obtain financial resources also from payments by their clients and the persons who carry permanent financial responsibility for them, as well as from the income from particular social services which have been paid for at prices fixed for the current year. Any client of the institution has to pay contributions towards the social service from his/her pension. As mentioned above, their legal guardian usually is the director of the institution, who is also responsible for the management of the clients' pensions. According to the law, some money must be left over to be spent on personal needs or hobbies.

“Upon arriving to visit our son in the home, we discovered that he was not wearing his clothes. Apparently, the staff, which was hard to find, was not familiar with the clients. We had the feeling that their primary task was to provide the clients with food and then leave them unattended. The clients were resting on benches outside or watched TV. They had nothing to do, as the personnel failed to keep them entertained with appropriate free-time activities.”

(A parent from Skalica)

NGOs consider services in large residential institutions disproportionate to what the Government could offer to families with disabled relatives. The life quality is much better in families than it is in large institutions. The present disproportion in social services must be eliminated, especially in remote regions. Traditional social services in residential facilities do not sufficiently correspond to the right of citizens with intellectual disability to a dignified and cultivated life. The dilemma faced by many parents or families of persons with intellectual disability is that they do not see any way of arranging a future for their children that corresponds more or less to their quality of life within the family home or local day care facility. Among the first positive steps is the transformation of social services' homes in Žehra – Hodkovce. This has been implemented in cooperation with the self-government of the region

Košice, the Ministry of Labour, Social Affairs and Family, the NGO “Social transform”, the Board for Counselling in Social Work, “The Socia” (Foundation for Promotion of Social Change) and the Agency for Assisted Employment. This facility cares for 132 adult men with intellectual disability. The purpose of the transformation is to prepare new living conditions in assisted living units in the nearby town of Hodkovce. The transformation process is to be completed within 10 - 15 years. Up to 60% of facilities in the Slovak Republic offer inadequate quality of life for people with intellectual disability. Therefore, it will be necessary to transform also other homes run by social services.

In spite of the fact that the transformation of services has started, the parents consider social services more or less insufficient, particularly in the remote regions

of the country. Parents reported a lack of alternative services, which would improve the life quality of persons with intellectual disability not only living in families, but also in the facilities of social services.

Clients themselves have various opinions about service provision and its quality. A former client of the large institution at Adamovské Kochanovce had bad experiences within that facility, while the clients of smaller institutions (e.g. the home of social services Amália in Rožňava) reported positive experiences. Residents in smaller units received more attention, participated more actively in the everyday life of the facility and their free time was filled with various sports, cultural and other events. Their skills have been actively developed according to their capacity and interests, e.g. cooking or gardening.

## Conclusions and Evaluation

1. **Awareness-raising** in society through enlightenment related activities still has a minimum influence on the change of the public’s attitude towards people with disability. With regard to education, the conception of information provision about people with intellectual disability for students and teachers in primary and secondary schools has to be changed. With regard to the financial support of NGOs for measures to raise awareness, the State has to offer more subsidies to them to be active in that area.
2. **Health care** and early intervention measures are not sufficient in all regions of the Slovak Republic. The lack of centres for early intervention has to be changed. Many doctors do not have sufficient experience on how to communicate with a person with intellectual disability; some of them are even unable to examine them adequately. Insufficient training of doctors and medical staff causes this circumstance. The lack of co-operation between physicians of first contact, special education staff (counselling centres) and social workers has to be overcome.
3. **Rehabilitation** activities is administered by civic associations of citizens with disability. The Ministry of Labour, Social Affairs and Family offers subsidies, but they are decreasing. The co-operation between the government, health care institutions and civic associations is inappropriate and must be improved. A lack of networking between particular sectors engaged in rehabilitation activities is visible. Efforts should be preceded by an analysis of the situation in existing medical facilities providing early care in order to unify the procedures and to establish gradually a systematic network of facilities on high professional level.
4. **Community-based support services:** The last decade has brought better life quality for citizens with intellectual disability. In the past, they have been much more segregated from society. In spite of that fact, parents still consider Community-based support services as insufficient, in particular in more remote regions. They are often forced to place their child into a distant facility.
5. **Accessibility:** It is difficult for people with intellectual disability to obtain information. Governmental officers are rarely willing to provide information in an easy to understand language. People with intellectual disability and their parents are confronted with a reserved and even arrogant behaviour of some officers that do not have adequate knowledge, sensitivity, empathy and familiarity with the rules of confidential information provision. NGOs try to offer the necessary information. Several public associations issue their own magazines, which are a basic medium for dissemination of news.
6. **Education:** In the past, children and young people with intellectual disability had been considered incapable of education. They had been exempt from compulsory school attendance. Since 2000, they can continue their education after having finished a special school. But, the greatest barrier to mainstream schools is not the

legislation, but the negative attitude towards integrated education and disabled people. Therefore, NGOs enter into co-operation with special schools to disseminate information and to educate teachers, volunteers and professionals of social services on various disability issues.

- 7. Employment:** There are two main reasons why persons with intellectual disability have problems to find a job on the mainstream labour market: high unemployment rate (May 2003: 14.81%) and the employers' concerns about persons with intellectual disability caused by a low awareness.
- 8. Income Maintenance and Social Security:** There are three basic forms of social security for persons with intellectual disability existing in the Slovak Republic: social insurance, state social support and social aid. But, they are insufficient. Without financial support from their parents, the intellectually disabled persons would not be able to survive. Support services for families are insufficient or not available at all, because it is part of the greatest shortage in the existing social aid system.
- 9. Family Life and Personal Integrity:** Financial contributions play an important role in the support of families with a disabled relative. Financial contributions for personal assistance, compensation for extra costs and nursing contributions should enable citizens with intellectual disability to integrate into society and to live with their family. Persons with disability are not able to cover their costs of living by themselves and are always dependent on financial support of their parents.
- 10. Culture:** People with intellectual disability have the chance to participate in cultural events organized through the efforts of parents, members of associations, professionals, and volunteers.
- 11.** Parents wish to see their children participating more often in **recreation and sporting activities**. Rehabilitation camps for self-advocates and family members are popular integration

activities. Besides therapeutic and social rehabilitation, mutual exchanges of experience between families can take place. Many local sport facilities are not appropriate for the needs of persons with intellectual disability, the staff is not sufficiently trained and parents have to travel with their children to bigger cities, because in their region no facilities exist.

- 12. Religion:** Despite the fact that people with intellectual disability have the right and the opportunity to attend religious events, the priests often do not have sufficient knowledge about people with intellectual disability. Church buildings are not always accessible for them.
- 13. Organisations of Persons with Disabilities:** The membership in associations gives parents the opportunity to take part in activities and to use social counselling services. The Government supports the advisory role of organizations of citizens with disabilities with the establishment of an advisory committee to the Board of the Government of the Slovak Republic for issues of citizens with disabilities. Besides that support, the financial support is a problem. Due to the impact of other social issues the priority is given to activities related to these problems. Solutions for disability issues remain in the background.
- 14. Large Residential Institutions:** Since 2002, the Slovak Republic has started a transformation and decentralization process of social services. Regional self-governments have taken over homes of social services providing care on a daily and weekly basis. Through that process, the Government wants to change their system and quality, because living conditions and development opportunities of clients in large institutions are not appropriate and the client's right to privacy is suppressed. Homes of social services are still segregated institutions for men and women. Alternative services, which would improve the life quality of their habitants, are missing.

# Recommendations

Based on the findings of this Country Report, the author wants to make the following recommendations for action at regional, national, European and international level and within the network of disability organisations:

## **1. Regarding the training of staff:**

- The education system of future a) teachers in mainstream schools and b) teachers in special schools has to be improved and further developed. Also teachers in mainstream primary and tertiary schools need to obtain new skills to enable them to teach and assist persons with intellectual disability.
- Students of medical schools, physicians and medical personnel have to be receive training on assistance to people with intellectual disability to ensure that they in turn receive adequate medical treatment related to their individual health conditions. It must be obligatory to cover this subject in the curricula of medical and pedagogical schools.

## **2. Regarding Public Awareness:**

- Still prevailing prejudices and discrimination against persons with intellectual disability have to be combated. A starting point can be the dissemination of information about persons with intellectual disability towards students and pupils of primary, secondary and tertiary schools. Volunteers who are students of secondary schools and institutions of higher education should be persuaded to engage in programme's caring for people with intellectual disability. This would lead to an inter-personal contact between students and persons with intellectual disability. The Ministries must pay more attention to awareness raising amongst the general public; we suggest the information dissemination through leaflets or brochures.
- Government officers have to be better informed about the needs and interests of people with intellectual disability. If awareness is raised in this sphere, disability related legislations and programmes can be brought forward in the future. Psychology and communication skills focused on the needs of citizens with intellectual disability have to be included in the training curricula of governmental officers.
- Employers have to be informed about the needs of persons with intellectual disability. In this way, fears and barriers in engaging, maintaining and supporting persons with

intellectual disability as equal employees can be lessened and removed. This will lead to a higher employment rate amongst intellectually disabled people. Trade unions have to be informed about the needs and requirements of persons with intellectual disability in order to encourage their contribution to their employment.

## **3. Regarding Education:**

- All schools should employ a classroom assistant in order to enable an inclusive education system.
- A close co-operation between teachers, parents, assistant teachers, special teachers, social workers, various therapists, psychologists, physicians, speech therapists, and other professionals should be established to optimise the development of each intellectually disabled pupil.
- The preparation of specialised training programmes assisting the development of special education competencies for the personnel providing education to children, young people and adults with intellectual disability (therapeutic activities, supervision, supportive services, etc.) has to be initiated.
- The co-operation between particular sectors of health care, labour, social and family affairs and education has to be improved with the purpose of establishing facilities devoted to rehabilitation activities. Additionally, NGOs of people with intellectual disability have to be included as equal partners within the development of new legislation or in provision of the professional expertise.

## **4. Regarding assisted living facilities and rehabilitation:**

- Different forms of assisted living have to be enshrined in the legislation as an alternative community-based support service for families with an intellectually disabled member. Especially in rural areas there must be a greater choice of support services to enhance the skills and capabilities of people with intellectual disability, offering them new opportunities for self-development and growth. At the same time, a more systematic approach to deinstitutionalisation and transformation of inappropriate services must be developed urgently.
- The system of financial contributions for citizens with intellectual disability, with the aim of making them more independent, has to be improved.

- Persons with intellectual disability of all ages in every region of the country need to have the opportunity to visit social care centres as needed. Regional centres of early intervention and centres to support adult and elderly people with intellectual disability have to be created all over the Slovak Republic. A legal basis has to be established enabling funding for existing centres of early intervention and centres used by adult and elderly persons with intellectual disability.
- Social counselling has to be further developed, implemented and evaluated through the development of social counselling quality standards and supervision for all social workers and advisors within the Government and the third sector.

#### **5. Regarding Personal Integrity:**

- The Act on Identity Cards and the Election Law must both be amended. As a person is declared legally incompetent and he/she is deprived of the right to vote and the right to personal identity, it is a great infringement upon the basic rights of human dignity and to equality – especially as the Slovak Constitution guarantees each person legal personhood.
- An independent authority to monitor the quality control of nursing services has to be established.
- Preventive measures to reduce the abuse of interdiction have to be developed and tested in order to protect persons with intellectual disability.

#### **6. Regarding Culture, Leisure time and Religion:**

- Further activities to improve the mental and physical health of people with intellectual disability have to be further financially supported, particularly rehabilitation camps and weekends of health.
- More stress has to be put on the development of sports and leisure time activities. More financial resources have to be allocated to the sector offering sports and recreation to persons with intellectual disability. People with intellectual disability should be encouraged to represent the Slovak Republic through their participation in international sports events.
- Cultural events of and for citizens with intellectual disability developed by associations have to be financially supported by the Government. The creativity and artistic potential of citizens with intellectual disability should not suffer because associations for disability lack financial resources.

- Church representatives must become better acquainted with the problems of people with intellectual disability to make religious activities more accessible to them and easy to understand.

#### **7. Regarding Organisations for Persons with Disabilities:**

- A new funding system for non-profit organizations has to be developed to seek for possibilities to maintain the third sector in the Slovak Republic, as foreign foundations begin leaving the country.
- The permanent representation of organizations for people with disabilities at local level – especially in professional commissions and advisory bodies to the local self-government – has to be ensured.
- Their participation in the legislative process has to be ensured in order to initiate amendments to law through comments prepared between the different interested departments.

#### **8. Regarding De-institutionalisation:**

- The establishment and further development of groups of self-advocates, who will speak up for the rights, needs and interests of all citizens with intellectual disability – including those living in large residential institutions – has to be encouraged and strengthened.
- As the de-institutionalisation process will still take many years to be complete and large residential institutions will continue to offer services to persons with intellectual disability, at least an efficient system of quality standards for social care facilities must be developed and continuously monitored.

In the future course of the project “More Rights for Persons with Intellectual Disability in the Slovak Republic”, “ZPMPvSR”, Bundesvereinigung Lebenshilfe e.V. and Inclusion Europe will develop a National Strategy based on the above recommendations. The National Strategy will actively pursue changes in selected key areas outlined herewith in order to improve the human rights situation of persons with intellectual disability throughout the Slovak Republic.



## **The Association for Help to the Mentally Handicapped Persons in Slovak Republic “ZPMPvSR”**

The Association for Help to the Mentally Handicapped Persons in Slovak Republic “ZPMPvSR” is a non-governmental organisation representing children, teenagers and young people with mental handicap and their family members. “ZPMPvSR” covers 54 local branches with about 10.000 members. Since 1980, the Association organises activities all over the Slovak Republic, mainly working on the integration of persons with intellectual disability into society and the defence of their rights and interests, especially in the spheres of education, work, leisure time and family life.

The enforcement of rights and interests of persons with mental handicap in state policy and legislation through the introduction of amendments to and comments on laws and regulations as well as the provision of social counselling and support to persons with intellectual disability and their parents are as important work components as the establishment of protected working places and housing facilities or educational activities.



## **Bundesvereinigung Lebenshilfe für Menschen mit geistiger Behinderung e.V.**

The federal association Lebenshilfe is the umbrella organisation of more than 130 000 persons with an intellectual disability, their parents and families, friends and professionals, being united in 540 local and regional member associations all over Germany. Lebenshilfe is fighting for welfare, equal opportunities, a non-discriminative society as well as adequate protection and support of persons with intellectual disability and their families.



Inclusion Europe

## **Inclusion Europe – The European Association of Societies of Persons with Intellectual Disability and their Families**

Inclusion Europe is a non-profit organisation defending the rights and interests of people with intellectual disability, their families and their organisations on European level. It is committed to fight for the human rights of people with intellectual disability in the European Union and is especially concerned with the human rights in the countries in Central and Eastern Europe.



## **Deutsche Behindertenhilfe – Aktion Mensch e.V.**

Aktion Mensch is the largest social lottery in Germany and supports with its proceeds among other activities projects in the area of disability and self-help. With a special funding programme for the creation of basic structures in Central, Eastern and South-eastern Europe, Aktion Mensch supports the co-operation between German NGOs and initiatives in that region. All initiatives have one thing in common: the joint engagement in creating human living and support structures for persons with disabilities or persons with special needs.