



UPR – UNIVERSAL PERIODICAL REVIEW CROATIA

Croatian Association of Deafblind Persons DODIR

April, 2010.

Note: Croatian Association of Deafblind Persons DODIR has been a part of informal coalition of non- governmental organizations in making of Report for Universal Periodic Review of Croatia and are sending in addition own review that is in accordance with it.



The Croatian Association of Deafblind Persons *Dodir* is a national, non-governmental and non-profit organization founded on the initiative of deafblind persons themselves in December 1994 with the aim of promoting the interests of deafblind persons, of exercising their fundamental human rights to education, rehabilitation, communication and socialisation.

We would like to stress that deafblind persons are one of the most vulnerable groups in society. Due to the impairment of both sight and hearing they have great difficulties in communication, access to information, mobility and orientation, which causes them to be isolated in more than one way. Consequently, it is reasonable to say that they are at a disadvantage even within persons with disabilities. “Deafblind persons are the most isolated population with disabilities. They are excluded even from the excluded.”

I. BACKGROUND AND FRAMEWORK

B Constitutional and legislative framework

Although during the last decade, the use of the terms “deafblindness” and “deafblind person” become more and more used in different areas of human activity, deafblindness is just beginning to be recognized as a unique form of disability caused by a combination of visual and hearing sensory impairments, and is still officially not recognized in the Republic of Croatia. What always presented itself as problem for the legal recognition of deafblindness is the insufficient education of experts, so that deafblind persons were often identified as exclusively deaf or blind persons. Deafblindness is a simultaneous sensory impairment of sight and hearing, in different intensities, so it includes four categories, and not only practical deafblindness, that is total blindness and total deafness. The small number of deafblind persons is another obstacle for legal recognition, and no consideration is taken of the specific situation and needs of deafblind persons.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

B 1. Equality and non-discrimination

The Croatian Government has passed a Discrimination Repression Act in 2008 (NN 85/08), that gave a legal framework to the prohibition of discrimination. Nevertheless, deafblind persons are not being less discriminated against, on the contrary. There are two basic needs of a deafblind person – communication support / Sign Language interpreter and mobility support / interpreter-guide. Without adequate support provided in the areas of communication and mobility, a deafblind person’s disability restricts his/her actions almost entirely. A support for deafblind persons is provided neither at the national level nor at the local one.

As a result, thus violating all the deafblind persons’ rights, they have been denied access to all the systems, goods and services. Deafblind persons are multiply and continuously discriminated in Croatia.

Recommendations:

- Adequate support for deafblind persons needs to be ensured at the national level, through the adoption of a legal framework that will regulate the issues of Croatian Sign Language interpreters for deafblind persons.

- Croatian sign language should be fully recognised as a minority language.
- It is necessary to legally regulate the use of Croatian Sign Language and the rights of deafblind/deaf persons to communicate and be informed in Sign Language.
- It is necessary to legally proclaim an unlimited range of support (rather than, for example, conditioning it on a limited monthly schedule) and an unrestricted right to Sign Language interpreters and interpreter-guides with the aim of equalisation of opportunities and equal involvement in all aspects of social life.
- It is also necessary to implement the establishment of services that would ensure the communication and movement support, that is, which would provide Croatian Sign Language interpreters and interpreter-guides support to deafblind persons.

B 5. Right to work and to just and favourable conditions of work

In the area of labour and employment, there is a high level of discrimination against deafblind persons. A large number of deafblind persons is entitled to disability pension. The procedure for determining the general inability to work is triggered automatically when it comes to simultaneous sight and hearing impairments, regardless of the intensity of impairment, so the level of training deafblind persons for another job is very low. Providing support in the form of a work assistant for deafblind persons at the workplace does not even exist in public debates. Besides, expertise done without no existing legal recognition of deafblindness and by experts without sufficient knowledge on the topic, are questionable at least.

A small number of deafblind persons that are registered in the Croatian Employment Service, and **who regularly meet their obligations towards it**, have never been employed, and some of them were never even been invited to a job interview.

Recommendations:

- Including deafblindness within the Unique Disabilities list that is being drafted at the Ministry of Economy, Labour and Entrepreneurship.
- To implement a deafblind person's right to work, it is necessary to ensure an adequate implementation of the set of regulations on the level of primary and secondary legislation, including implementation of new procedures and work when implementing current reforms.

6. Right to social security and adequate standard of living

Social Welfare Act (NN 73/97, 27/01, 59/01, 82/01, 103/03, 44/06, 79/07) is a law that introduced the concept of deafblindness in the social security system. According to this law, deafblind persons are entitled to an allowance for assistance and care, as well as to the right to assistance in overcoming particular difficulties, in overcoming communication and mobility difficulties, in the procedures of implementation of social welfare system rights associated with the conclusion of legal affairs, deaf and deafblind persons have the right to professional interpreters. Since the enactment of the Act, no **implementing regulations** that regulate the exercise of these rights have been passed. Up to now no medical classification of deafblindness with which expert bodies for expertising social welfare rights exists, nor have bylaws been passed for the regulation of conditions under which the right to assistance in overcoming particular difficulties or professional interpreters to deaf and deafblind persons are ensured.

Recommendations:

- Adoption of regulations and other bylaws that will govern the implementation of Articles 44 and 77.h and thus ensure the implementation of the Act.

The bylaw on amendments to the Regulations on orthopaedic and other aids in 2004 (NN 74/04) introduces a new category of devices for deafblind persons, the so-called tactile aids. In practice, there were difficulties in its implementation too and in the Amendments to the Regulations in 2006 (NN 36/06) the category was deleted without explanation.

Recommendations:

- Re-introduction of the category of aids for deafblind persons (“tactile aids”) in the Regulation on orthopaedic and other aids .

It seems that the Regulations on orthopaedic and other aids of the Croatian Health Insurance Institute present a direct multiple discrimination against persons with disabilities. Namely, the Regulations contain many discriminatory Articles against persons with disabilities, that violate the right to a dignified life and the right to individual privacy.

We assume that the criterion by which only active employed persons and persons in course of education have the right to, for instance, light or vibration alarm, is not rightful because a not actively employed person needs an alarm clock as well for his/her everyday functioning (for example to catch a train or to visit a doctor). Besides, as there is no definition of an actively employed person neither in the Regulations themselves nor within any other regulations, our state has not acted in terms of “the welfare state principle” nor in terms of compliance with a number of other constitutional principles, Which makes a direct discrimination among persons with disabilities, making an individual’s right to an easier everyday life a relative term.

Recommendation:

- Amendment of this and other articles of the Regulations that directly discriminate among persons with disabilities, and deny their basic rights and that are opposed to fundamental constitutional principles

7. Right to education and to participate in the cultural life of the community

For children with disabilities (hard of hearing/deaf, visually impaired/blind and deafblind children) there is no equality in access to regular education system, nor is there a support system that supports the integration of these children in the regular system. There are no necessary adjustments of the system outside of individual efforts on an individual basis for individual students by the NGOs and the children’s parents.

Thus is the UN Convention on the Rights of Persons with Disabilities extremely important when in the field of education it specifically mentions the Deafblind: “Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual” (Article 24).

At the national level no Sign Language interpreters are provided in classes, there are no available materials needed for teaching e.g. in enlarged print for visually impaired children on this level of education. Tools necessary to monitor the teaching of children with sensory impairment are not provided.

There are no training programs for Sign Language interpreters at the national level, nor is there a system or mechanism that takes care of the same issues at the state level. Children with disabilities are within the integration into the regular education system are discriminated against on the basis of their impairment as well as on the language they use, when it comes to hadt of hearing/deaf and deafblind children who use Croatian Sign Language. Not only are thus violated their constitutional rights as well as the Discrimination Repression Act, but the UN Convention on the Rights of Persons with Disabilities, of which we are signatories, is also directly infringed.

Today children with disabilities, including deaf, blind and deafblind children, are educated for certain professions, which is acting according to stereotypical and outdated understanding of their capabilities. The same happens within the system of training persons with disabilities for another job, training for them is available only for certain jobs. There is almost no choice, which results in discrimination within the education system, but in the Republic of Croatia this became a normal procedure, which is not even perceived as discrimination.

As those professions are the ones for which there is no need on the labour market, training persons with disabilities for those jobs discriminates against them when it comes to employment opportunities as well.

Recommendations:

- It is necessary to pass a law on Sign Language interpreters in education (for students who express a need for such an aspect of communication support).
- It is necessary to introduce formal training for Sign Language interpreters and their specialist improvement.
- It is necessary to adapt educational programs intended for children with disabilities and persons with disabilities for the needs of the labour market of today.