



REPUBLIC OF SLOVENIA
ADVOCATE OF THE PRINCIPLE OF EQUALITY

Special Report

Inaccessibility of public inter-urban bus service for persons with reduced mobility



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Special Report

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SPECIAL REPORT SUMMARY

The Protection against Discrimination Act¹ (PADA) determines the protection of every individual against discrimination, regardless of their personal grounds. Hence, discrimination based on the personal ground of disability is also prohibited. In accordance with the PADA, protection against discrimination is provided in various areas of social life; including access to goods and services available to the public.

Persons with disabilities² must be given equal opportunities in access to road transport services. Poor accessibility or inaccessibility of public transport to persons with disabilities means a disadvantage as regards the opportunity to access education, employment, health services, leisure activities and impedes their general inclusion in society.

The Equalisation of Opportunities for Persons with Disabilities Act³ (ZIMI) obliges the state that when managing public utility service, the public regular road transport of passengers⁴ (public bus transport) should be organized in such a way that providers of transport within the framework of public services use buses that are accessible to the people with reduced mobility and sensory disabilities. According to the aforementioned Act, the deadline for reasonable accommodation of buses to ensure accessibility to people with disabilities expired on 11 December 2020.

In the context of the preparation of this Special Report in order to review the current situation of accessibility of public bus transport for people with reduced mobility, the Advocate of the Principle of Equality (the Advocate) collected information on why public bus transport is not accessible to people with reduced mobility as required by applicable legislation.

Information received by the Advocate from the competent ministry⁵ and sectoral non-governmental organisations shows that, despite the legal obligation, public bus transport is not accessible to people with reduced mobility.

The purpose of this Special Report is to draw attention to the importance of designing, adopting and consistent implementation of regulations that prevent discriminatory treatment of people with disabilities and to accelerate the implementation of measures enabling them to exercise their right to equal accessibility of public road transport.

¹Protection against Discrimination Act (Official Gazette of the RS, No. 33/16 and 21/18 – Non-Governmental Organisations Act).

Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7273>.

²The Advocate uses the term disabled person when directly referring to sectoral legislation. Otherwise, the Advocate uses the term "person/people with disabilities", which is descriptive and follows the original terminology of the Convention on the Rights of Persons with Disabilities (CRPD). Disability is a fact, it describes the state of disability and not the characteristics of these people.

³Equalisation of Opportunities for Persons with Disabilities Act (Official Gazette of the Republic of Slovenia, No. 94/10, 50/14 and 32/17).

Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4342>.

⁴Public regular road passenger service means transport that is performed along specified routes, according to the pre-determined timetable, price and general transport conditions (point 17 of paragraph one of Article 3 of the Road Transport Act).

⁵With the reorganization of ministries at the beginning of 2023, the competence in the field of public passenger transport in domestic and cross-border transport passed from the Ministry of Infrastructure to the newly established Ministry of Environment, Climate and Energy. In accordance with the above, the Advocate initially (at the end of 2022) addressed the requests to the then competent Ministry of Infrastructure, and after the reorganization to the Ministry of the Environment, Climate and Energy.

The Ministry of the Environment, Climate and Energy was recommended by the Advocate to:

- in the shortest possible time, formulate minimum standards or criteria that any concessionaire must meet in order to fulfil the conditions under Article 16 of the Equalisation of Opportunities for Persons with Disabilities Act. This Article stipulates that buses used in public regular road transport of passengers within a public utility service must be accessible to passengers with reduced mobility and sensory disabilities.
- In line with the provision of the paragraph one of Article 19 of the Decree on the manner of performing the public service obligation, of the passenger transport in domestic road transport, on the concession of this public service and on the regulation of the integrated ticket system⁶ (Decree), in the public procurement procedure for the selection of concessionaires the manner in which buses must be adapted shall be determined as well as the proportion of buses used by the concessionaire which must be adapted to people with reduced mobility and sensory disabilities in order to fulfil the legal obligation under the ZIMI
- A clear and accessible transparency system must be established, showing whether the buses used by concessionaires to perform the public utility service are appropriately adapted to people with reduced mobility and sensory disabilities and on the basis of this the supervision task referred to in Article 51 of the Decree should be performed.
- Additional financial resources should be ensured for the purpose of adapting buses to people with reduced mobility and sensory disabilities.

⁶Decree on the manner of performing the public service obligation, of the passenger transport in domestic road transport, on the concession of this public service and on the regulation of the integrated ticket (Official Gazette of the RS 109/21, 181/21, 54/22 – Management of Public Passenger Transport Act, 56/22 and 48/23). Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=URED8123>.

1 INTRODUCTION

In accordance with Article 22 of the PADA, the Advocate shall report to the National Assembly of the Republic of Slovenia about their work and findings on the existence of discrimination involving individual groups of people with certain personal grounds in special reports.

Article 21 of the PADA grants the Advocate the authority and responsibility to, among other things:

- "publish independent reports and make recommendations to state authorities, local communities, holders of public authorisations, employers, business entities and other bodies regarding the established situation of people in certain personal grounds, i.e. relating to preventing or eliminating discrimination and adopting special and other measures to eliminate discrimination."

The PADA states in Article 1 that protection against discrimination is provided to individuals regardless of their personal grounds, including disability.

According to Article 16 of the ZIMI, people with disabilities must be provided with equal access to road and rail transport as well as maritime and inland navigation. In preparing the subject Special Report, the Advocate focused on the field of accessibility of public bus transport, as the state must ensure the accessibility of this public means of transport to people with reduced mobility and sensory disability.

With regard to the ten-year transitional period, taking into account paragraph four of Article 38 of the ZIMI, the deadline for appropriate accommodation and ensuring the accessibility of buses used in public road transport of passengers to people with disabilities expired on 11 December 2020.

In the context of preparation of this Special Report, the Advocate collected information on the accessibility of public bus transport to people with disabilities, focusing on people with reduced mobility. This is not to say that there are no other current challenges in terms of accessibility of public bus transport to people with other types of disabilities (e.g., people with sensory disabilities).

2 LEGAL GROUNDS

2.1 International law

Article 26 of the Charter of Fundamental Rights of the European Union, expressly recognises and respects the right of people with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.⁷

At the same time, Article 9 of the Convention on the Rights of Persons with Disabilities⁸ (CRPD), ratified by Slovenia in 2008, obliges State Parties to enable that persons with disabilities live independently and participate fully in all aspects of life, and take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, among other things to transportation and services open or provided to the public, both in urban and in rural areas.⁹ Measures to identify and remove barriers to accessibility also apply, inter alia, to transportation.

States Parties shall, in accordance with the CRPD, take measures to develop, disseminate and monitor the enforcement of minimum standards and guidelines for the accessibility of facilities and services intended for the public. These measures ensure that private entities providing services to the public take into account all aspects of accessibility to persons with disabilities.¹⁰

2.2 National law

The PADA states in Article 1 that protection against discrimination is provided to individuals regardless of their personal grounds, including disability.

In order to ensure protection against discrimination and equal treatment in the public and private sector, state authorities, holders of public authority, as well as legal and natural persons must ensure protection against discrimination or equal treatment of all persons in all areas of government decision-making, legal transactions, and in other activities in relation to third parties. Protection against discrimination is provided in several areas of social life, including access to goods and services available to the public.¹¹ This also includes accessibility of public bus transport.

Paragraph one of Article 16 of the ZIMI stipulates that persons with disabilities shall be ensured equal access to road, rail, maritime and inland waterways transport. Pursuant to the paragraph two of Article 16, "the state and municipalities shall ensure that operators of public regular road transport and regular urban transport services provide transportation with buses accessible to persons with physical and sensory impairments, and provide information on the possibilities of using the aforementioned public services in ways accessible to persons with disabilities".

⁷Charter of Fundamental Rights of the European Union OJ C 326, 26. October 2012, p. 391–407.

Available at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:sl:PDF>.

⁸Convention on the Rights of Persons with Disabilities and Optional Protocol to the Convention on the Rights of Persons with Disabilities. See Official Gazette of the Republic of Slovenia - International Treaties, No. 10/08.

Available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5314>.

⁹Act ratifying the Convention on the Rights of persons with Disabilities and Optional Protocol to the Convention on the Rights of Persons with Disabilities, Official Gazette of the Republic of Slovenia No. 37/08 – International Treaties, No. 10.

Available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5314>.

¹⁰The second paragraph of Article 9 of the CRPD.

¹¹Eighth indent of paragraph one of Article 2 of the PADA.

Paragraph three of Article 16 of the ZIMI states that "If a public utility service provider is not able to ensure that regular inter-urban road transport service is accessible to persons with physical and sensory impairments, it shall be required to provide another appropriate means of transportation, unless it proves that the provision of other appropriate means of transportation would impose a disproportionate burden. In that case, the provider shall be required to ensure other appropriate means of transportation in a scope that does not impose such a burden."

The deadline for the appropriate adaptation of buses for the road transport of passengers in such a way as to ensure accessibility for persons with disabilities referred to in Article 16 of the ZIMI shall be a maximum of ten years from the entry into force of this Act (paragraph four of Article 38 of the ZIMI). Since the ZIMI entered into force on 11 December 2010, the deadline for appropriate accommodation of road passenger transport expired on 11 December 2020.

Pursuant to Article 50 of the Road Transport Act¹², the state shall provide for public regular transport of passengers, except for urban public regular services and special regular services, as a public good by means of a commercial public service, granting concessions through a public tender to the most favourable tenderers.

Public regular road passenger service means transport that is carried out on specified routes, according to the pre-determined timetable, price and general transport conditions. It is operated as inter-urban and urban regular passenger service.¹³ Regular inter-urban transport represents public transport of passengers between two or more places and can be organized as a passenger or high-speed regular transport of passengers, while urban regular transport is a public transport of passengers organized by the municipality as a public service within the settlement.¹⁴ Public regular road transport of passengers can only be carried out by buses and must be accessible to all passengers, regardless of the fact that it may be the subject of a special reservation.¹⁵

The manner of performing the public utility service of public regular transport of passengers, the content and obligations of this public service, the rights of passengers, financing, the manner of granting the concession and control over its implementation are regulated by the Decree on the manner of performing the public service obligation, of the passenger transport in domestic road transport, on the concession of this public service and on the regulation of the integrated ticket system (Decree).¹⁶

In accordance with the provisions of the Decree, the tasks of the concession grantor, i.e. the Republic of Slovenia (RS), in the concession award procedure and in the concession relationship, is carried out by the Ministry responsible for transport, which also performs the tasks of the public passenger transport (PPT) authority.¹⁷ Pursuant to the State Administration Act¹⁸, the tasks of the concession grantor are performed by the Ministry of the Environment, Climate and Energy (MECE).

¹²Road Transport Act (Official Gazette of the Republic of Slovenia, No. 6/16 – official consolidated text, 67/19, 94/21, 54/22 – Management of Public Passenger Transport Act, 105/22 – Inequality and Harmful Policy Reduction Interventions and Ensuring Respect for the Rule of Law Act and 18/23 – State Administration Act).

Available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4236>.

¹³Point 17 of the paragraph one of Article 3 of the Road Transport Act.

¹⁴Point 23, 26 of the paragraph one of Article 3 of the Road Transport Act.

¹⁵Paragraph Two of Article 45 of the Road Transport Act.

¹⁶Decree on the manner of performing the public service obligation, of the passenger transport in domestic road transport, on the concession of this public service and on the regulation of the integrated ticket system (Official Gazette of the RS, No. 109/21, 181/21, 54/22 – Management of Public Passenger Transport Act, 56/22 and 48/23). Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=URED8123>.

¹⁷Article 3 of the Decree.

¹⁸Act Amending the State Administration Act, Official Gazette of the Republic of Slovenia, No. 18/23.

Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO8642>.

Paragraph one of Article 4 of the Road Transport Act stipulates that professional technical, organizational, development and certain administrative tasks in the field of transport of goods in domestic and international road transport and passengers in international road transport, as well as development tasks in the field of transport of passengers in domestic road transport, shall be carried out by the Ministry responsible for transport and the Ministry responsible for public passenger transport in domestic and cross-border transport (hereinafter: the Ministry of PPT).

With the reorganization of ministries at the beginning of 2023, the competence in the field of public passenger transport in domestic and cross-border transport (which includes the implementation of tasks under paragraph three of Article 4 of the Road Transport Act) was transferred to the newly established MECE.¹⁹

In accordance with paragraph three of Article 4 of the Road Transport Act, the MECE (the Ministry of PPT), inter alia, performs the following tasks:

- preparation of draft laws and adoption of secondary regulations in the field of public passenger transport in domestic and cross-border traffic;
- management of transport policy in the field of road transport;
- monitoring the situation and condition at the transportation services market and development tasks in the field of road transport;
- development of public regular inter-urban bus transport of passengers and promotion of public utility services;
- development of the public passenger transport information system;
- development of other forms of public passenger transport.

The importance of ensuring accessibility for people with disabilities in all areas of life is highlighted by both the 2022–2030 Action Programme for Persons with Disabilities (APPD 2022–2030)²⁰ and the previously applicable Action Programme for the period 2014–2021. "Accessibility is a broad concept strongly related to the mobility of people with disabilities, which includes not only access to the built environment and the elimination of architectural barriers, but also access to information or communications, thus enabling person with disabilities to be included in the wider social environment and all spheres of human life. Accessibility gives people with disabilities the opportunity to participate in social, economic and political life."

Among the measures listed in APPD 2022–2030, under the goal of "Accessibility", the following measure is also mentioned: "ensuring accessibility of transport (in Slovenia to places, where public passenger transport is available, every day of the week and to taxi services) – entry, exit, auditory and visual notification and, if necessary, escort".²¹

¹⁹Article 38.b of the State Administration Act (Official Gazette of the Republic of Slovenia, No. 113/05 – official consolidated text, 89/07 – decision of the Constitutional Court, 126/07 – ZUP-E, 48/09, 8/10 – ZUP-G, 8/12 – ZVRS-F, 21/12, 47/13, 12/14, 90/14, 51/16, 36/21, 82/21, 189/21, 153/22 and 18/23). Available at: <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3225>.

²⁰Action Programme for Persons with Disabilities 2022–2030, No. 14100-5/2021/3 of 14 October 2021.

Available at: <https://www.gov.si/zbirke/projekti-in-programi/akcijski-program-za-invalid/>

²¹Ibid., page 7.

3 ADVOCATE'S ENQUIRIES

Enquiries were sent by the Advocate to the Ministry of Infrastructure (Mol), resp. the MECE, which took over the competencies in the field of public passenger transport in domestic transport at the beginning of 2023 as part of the government reorganization, on the activities carried out and measures taken to ensure the accessibility of public bus transport to people with disabilities. In the enquiries, the Advocate focused on adaptations for people with reduced mobility, including persons using wheelchairs.

3.1 Enquiries with the competent Ministry

The Advocate sent a query²² to the Mol competent at that time regarding the accessibility of road transport to people with disabilities. Key questions asked and summaries of the Ministry's answers are presented below.²³

1. What measures have been taken by the Ministry so far regarding the obligation to ensure accessibility of public transport according to the ZIMI (paragraph one, two and six of Article 16 in conjunction with the paragraph four of Article 38)?

The Ministry explained that based on Article 8, which addresses the accessibility of goods and services, the Act Amending the Road Transport Act²⁴ was adopted stipulating that providers of public regular transport of passengers must adapt their general transport conditions to persons with disabilities in terms of use without charging additional costs for the use of devices to overcome physical and sensory impairment (guide dogs, other assistance dogs and wheelchairs).

The Act Amending the Road Transport Act also lays down that bus stations must ensure the unobstructed movement of functionally disabled persons, and provide information in appropriate techniques for persons with disabilities, as well as ensuring safety, all with the help of appropriate services (Article 111). A new provision was implemented, namely that the unobstructed movement of functionally disabled persons must be enabled at bus stops and that the Minister responsible for transport regulates in more detail the equipment of bus stations and bus stops (Article 112a, Article 111).

This amendment²⁵ introduced free accessible transport for students with severe or serious physical disability who are entitled to a subsidized ticket (Article 114g). Based on this provision, the Ministry conducts a public procurement procedure every two years to provide free transport to students with severe or serious physical disability.

This Act also regulated in a systemic manner and granted certain benefits and free transport to holders of disability cards who fulfil specific conditions (Article 114b). Before the ZIMI came into force, the law provided for access and space for wheelchairs in regular urban public transport.

²²Letter No. 0702-205/2022/1 of 8 December 2022.

²³Letter No. 370-10/2020/14-02521757 of 23 December 2022.

²⁴Act Amending the Road Transport Act (Official Gazette of the Republic of Slovenia, No. 49/11). Available at <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6198>.

²⁵Act Amending the Road Transport Act (Official Gazette of the Republic of Slovenia, No. 67/19). Available at <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO8069>.

The Decree on a mode of implementation of economic public service on passenger public line transport in inner road transport and about the concession of this public service²⁶ also contained provisions aimed at persons with disabilities: Article 23 (tasks of transport staff), Article 24 (informing passengers), Article 25 (getting on and off) and Article 36 (general conditions).

These provisions are also contained in the current Decree on the manner of performing the public service obligation, of the passenger transport in domestic road transport, on the concession of this public service and on the regulation of the integrated ticket system,²⁷ namely in Articles 23, 31, 32 and 42.

Since 2016, the Ministry has been implementing the project "Multimodal Mobility of Persons with Disabilities". The partner of the project is the Geodetic Institute of the Republic of Slovenia. The project represents a national data layer for the entire territory of the country as regards the mobility of vulnerable groups and thus a precondition for the development of mobility services (physical and communication accessibility). This means that a person can move independently and safely in their environment, which is enabled by an adapted physical urban environment – removal of dangerous spots and regulated access to passenger transport, public facilities and other public areas.

For the second year in a row, the Ministry is also implementing the project "Spatial Data Support for Public Passenger Transport Management – People with Disabilities in Public Passenger Transport", in which the National Disability Council (NSIOS) also participates. This is also an expression of honouring the commitments and implementation of CRPD, ratified by the Republic of Slovenia as one of the first countries on April 24, 2008. In this way, the Republic of Slovenia joined the community of countries committed to particularly respect and promote human rights of people with disabilities and implement the Strategy for the Rights of Persons with Disabilities for the period 2021–2030 and Directive (EU) 2019/882 on accessibility requirements for products and services, etc.

The Ministry also highlights the establishment of the Public Passenger Transport Management Company, which will undoubtedly contribute to better management of public passenger transport for people with disabilities.

2. How does ensuring the accessibility of public regular transport of passengers in road and urban transport work in practice?

The Ministry explained that urban public transport in this area is provided within mandatory or voluntary public utility service using adapted vehicles (low-floor buses). In the case of public regular transport, it is carried out to a certain extent as the so-called on-call transport. It was pointed out by the Ministry that "the complexity of the transport conditions – the adaptation of the vehicle, the specificity, which, as a rule, prevents this transport from being available to the desired extent (large financial investments, vehicle utilization, time-consumption, etc.) also in other EU countries".

²⁶Decree on a mode of implementation of economic public service on passenger public line transport in inner road transport and about the concession of this public service (Official Gazette of the RS, No. 73/09 and 29/19).

Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=URED5196>.

²⁷Decree on the manner of performing the public service obligation, of the passenger transport in domestic road transport, on the concession of this public service and on the regulation of the integrated ticket system (Official Gazette of the RS, No. 109/21, 181/21, 54/22 – Management of Public Passenger Transport Act, 56/22 and 48/23). Available at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=URED8123>.

3. How does the Ministry cooperate with local communities?

The Ministry cooperates with local communities also through the formulation of tenders for the implementation of public passenger transport through public regular passenger transport managers. The newly established Public Passenger Transport Management Company will further strengthen this cooperation, as representatives of local communities will also participate in the expert council of this Company.

4. Does the Ministry plan any future activities related to the issue raised?

The Ministry explained that the newly established Company will significantly contribute to the area of accessibility for people with disabilities in public passenger transport. In the near future, the Company plans consultations on the topic of public passenger transport in the Republic of Slovenia, the topic of which will, inter alia, be dedicated to persons with disabilities.

The Ministry will continue to implement the project "Enabling Multimodal Mobility of Persons with Disabilities" and the project "Spatial Data Support for Public Passenger Transport Management – Persons with Disabilities in Public Passenger Transport".

By sending two queries²⁸ to newly competent MECE, the Advocate requested further clarifications regarding the accessibility of road transportation for persons with disabilities. Key questions asked and summaries of the Ministry's answers are presented below.²⁹

- 1. Did the Ministry adopt any standards or regulations regarding the adaptation of vehicles used by the public utility service to provide public regular transport of passengers in road transport, etc. regarding any specific characteristics of vehicles, i.e. how they must be adapted in order to fulfil the obligation regarding the accessibility of public transport for people with disabilities pursuant to the ZIMI? If so, please provide us with the applicable standards or a document outlining these characteristics.**

The Ministry explained that no regulated standards regarding the adapted passenger transport provided within the public utility service of regular passenger transport were adopted so far. Such document is being prepared as part of the project "Spatial Data Support for Public Passenger Transport Management – Persons with Disabilities in Public Passenger Transport".

- 2. Did the Ministry adopt any rules/standards on how many (in number) buses used by the concessionaire should be adapted to passengers with reduced mobility and sensory disabilities? Does the Ministry, as a concession-granting authority, set the specific number/share of buses that must be adapted to persons with disabilities, or does the Ministry, as a concession-granting authority, determine that all vehicles used for the public utility service of public regular road transport of passengers should be adapted to persons with disabilities?**

The Ministry explained that no rules or standards regarding the number of buses adapted for people with reduced mobility or sensory disabilities were adopted. Moreover, the Ministry did not identify the proportion of adaptation of buses used by the public utility service providers in public regular transport of passengers in road transport.

²⁸Document no. 0702-205/2022/28 of 16 March 2023 and No. 0702-205/2022/28 of 4 April 2023.

²⁹An e-mail dated 24 March 2023 and letter No. 379-57/2023/ of 6 April 2023.

3. Does the Ministry hold any data on how many buses used by individual concessionaires performing public utility service of public regular transport of passengers in road transport are adapted to people with reduced mobility and sensory disabilities?

The Ministry does not have such information. The Ministry explained that such data can be obtained from the public utility service providers of public regular transport of passengers in road transport. The Ministry pointed out that very few (almost none) vehicles used by the concessionaires are adapted to people with disabilities, especially with regard to people with reduced mobility.

4. In what ways does the Ministry monitor whether concessionaires use vehicles that are appropriately adapted to people with reduced mobility and sensory disabilities?

The transparency system is assessed by means of appropriate documentation within the framework of the public tender or individually through supervision, etc. The Ministry is currently not monitoring the adequacy of the adaptation of vehicles to people with reduced mobility or sensory disabilities.

5. Is the information that this year the Ministry will launch a new tender for the award of a concession for the public utility services of public regular transport of passengers in road transport accurate? If yes, please clarify what requirements the Ministry intends to impose on concessionaires regarding the adaptation of vehicles to people with reduced mobility or sensory disabilities?

The Ministry examined the issues related to people with disabilities in public passenger transport in Slovenia. A study was conducted in cooperation with the Geodetic Institute of Slovenia and NSIOS, which in a certain part is still ongoing in 2023 and which pointed to more complex issues. On that basis, the Ministry decided to address the accessibility to persons with disabilities in public passenger transport separately, with an appropriate form of so-called on-call transport. In the introduction and preparation of on-call transport pilot projects, the Ministry will cooperate with NSIOS.

3.2 Enquiries with NGOs

The Advocate also sent written requests for information on possible problems regarding the inaccessibility of public bus transport to NSIOS³⁰ and the Slovenian Paraplegic Association (Association).³¹ NSIOS provided the Advocate with information obtained from its members (Muscular Dystrophy Association of Slovenia, Slovenian Paraplegic Association, Association of the Blind and Visually Impaired of Slovenia, Deaf and Hard of Hearing Clubs Association of Slovenia, Deafblind Association of Slovenia Dlan).

The questions asked and summaries of the substantively relevant answers of non-governmental organizations are presented below.

The Advocate was interested to know the answers to the following questions:

- 1. Has any individual/member contacted you regarding the highlighted issue?**
- 2. Do you consider that public inter-urban bus passenger transport is appropriately adapted to individuals with sensory disabilities or reduced mobility?**

³⁰Letter No. 0702-205/2022/13 of 11 January 2023.

³¹Letter No. 0702-205/2022/14 of 11 January 2023.

- 3. Do you consider the public utility service providers of regular inter-urban transport to adequately comply with the provisions regarding the adaptation of transport to passengers with disabilities or do you believe that they ensure accessibility to passengers in another appropriate way (as provided for in the paragraph three of Article 16 of the ZIMI)?**
- 4. Are you aware of any specific problems of your members regarding the accessibility of buses? If this is the case, we kindly ask you to inform us in more detail or explain the specific experience of the individual.**

NGOs explained as follows:

The Muscular Dystrophy Association of Slovenia explained that persons with muscular dystrophy who are forced to use an electric wheelchair mostly use their own transport or the transport provided by the Association, which owns appropriately adapted vans and trained drivers, as inter-urban bus transport is not available to them. The Association explained that members of the association who are wheelchair users cannot overcome altitude barriers (higher thresholds, stairs), hence they do not use public inter-urban passenger transport. According to the association, a reasonable solution would be for public utility service providers of inter-urban regular transport to provide information on accessibility or transport options on their websites in accordance with the provisions of the ZIMI.

The Association explained that in recent years, several members have contacted them referring to their negative experiences in the accessibility of public inter-urban bus transport of passengers. They highlighted the inaccessibility and lack of adaptation of the infrastructure. Members are convinced that line buses are completely inaccessible to them, so when in need of a ride, they do not consider this option. They are forced to use their personal vehicles or arrange transport through local associations offering such transport within the framework of special social programmes. Moreover, the members are offered the opportunity to rent a customized vehicle.

The Association further explained that they were checking the possibility of using the services of inter-urban regular transport providers as adapted transport for people with reduced mobility and found that the deadlines for adaptation laid down in the ZIMI were not complied with. Only a small number of buses are accessible to people with reduced mobility who use wheelchairs. According to the Association, the service providers do not provide other methods of accessibility (e.g. with adapted vans). In doing so, they do not refer to a disproportionate burden according to the ZIMI, but only refer individuals to local associations that should organize transport for them.

4 KEY FINDINGS AND RECOMMENDATIONS

4.1 Key findings

From the received data of the Mol and MECE, as well as information from non-governmental organizations, it follows that the current situation in the field of accessibility of public bus transport to people with disabilities is not in accordance with legal obligations.

Pursuant to the ZIMI, the state is obliged to organize a public utility service of public regular transport of passengers in such a way that the buses used by operators are accessible to individuals with reduced mobility and sensory disabilities.

The state grants a concession to a natural person or legal entity who meets the conditions for the provision of public utility services in accordance with the Decree. The Regulation lays down in more detail the manner of performing the public utility service, the content and obligations of this public service, the rights of passengers, financing, the manner of granting the concession and the control over its implementation.

In accordance with Article 19 of the Decree, the tender for the award of the concession should also determine the requirements on the number and characteristics of vehicles. It follows from the replies by the Mol and MECE, which perform the tasks of the grantor in the concession award procedure and the concession relationship, that in the tender for the concession award, the characteristics of vehicles in terms of adaptability for passengers with disabilities were not prescribed.

As it is clear from the explanations provided to the Advocate, the Mol and MECE have not yet adopted any standards or rules regarding the specific characteristics of buses in order to meet the accessibility requirement for people with reduced mobility and sensory disabilities as required by Article 16 of the ZIMI. Moreover, the Ministry failed to adopt any standards or rules regarding the number of buses that the contractor would be forced to adapt in order to meet the requirement of accessibility of bus transport to people with disabilities. As a result, the Ministry also does not keep any records or monitor whether the buses used in implementing the concession are appropriately adapted to passengers with disabilities.

The deadline for the appropriate accommodation of buses for the transport of passengers with disabilities in road transport in terms of ensuring accessibility expired on 11 December 2020. Hence, the current situation in the field of accessibility of public bus transport is unacceptable, especially from the perspective of protection against discrimination under the PADA. People with disabilities are still not guaranteed access to public transport in road transport at the level required by the CRPD and the ZIMI.

4.2 Recommendations by the Advocate

Based on the above, the Ministry of the Environment, Climate and Energy was recommended by the Advocate to:

- in the shortest possible time, formulate minimum standards or criteria that any concessionaire must meet in order to fulfil the conditions under Article 16 of the Equalisation of Opportunities for Persons with Disabilities Act. This Article stipulates that buses used for the provision of public regular road transport of passengers in the form of a public utility service must be accessible to passengers with reduced mobility and sensory disabilities.
- In line with the provision of the paragraph 1 of Article 19 of the Decree on the manner of performing the public service obligation, of the passenger transport in domestic road transport, on the concession of this public service and on the regulation of the integrated ticket system (Decree), in the public procurement procedure for the selection of concessionaires the manner in which buses must be adapted shall be determined as well as the proportion of buses used by the concessionaire which must be adapted to people with reduced mobility and sensory disabilities in order to comply with the legal obligation under the ZIMI.
- Moreover a clear and accessible transparency system must be established, showing whether the buses used by concessionaires to perform the public utility service are appropriately adapted to people with reduced mobility and sensory disabilities and on the basis of this the supervision task referred to in Article 51 of the Decree should be performed.
- Additional financial resources should be ensured for the purpose of adapting buses to people with reduced mobility and sensory disabilities.

ACRONYMS AND ABBREVIATIONS

APPD	Action Programme for Persons with Disabilities 2022–2030
PPT	Public passenger transport
NSIOS	National Council of Disabled People's Organisations of Slovenia
CRPD	Convention on the Rights of Persons with Disabilities
MECE	Ministry of Environment, Climate and Energy
Mol	Ministry of Infrastructure
RS	Republic of Slovenia
Decree	Decree on the manner of performing the public service obligation, of the passenger transport in domestic road transport, on the concession of this public service and on the regulation of the integrated ticket system
Advocate	The Advocate of the Principle of Equality
ZIMI	Equalisation of Opportunities for Persons with Disabilities Act
RTA	Road Transport Act
PADA	Protection against Discrimination Act
Association	Slovenian Paraplegic Association

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- Deaf and Hard of Hearing Clubs Association of Slovenia,
- Association of the Blind and Visually Impaired of Slovenia and
- Slovenian Paraplegic Association.

Inaccessibility of Public Inter-urban Bus Service for Persons with Reduced Mobility – Special Report

Issued by

The Advocate of the Principle of Equality

On behalf of the Advocate

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