



STATEMENT

on the draft Amendments to the Personal Assistance Law, presented by the Ministry of Labor and Social Policy

The proposed amendments to the Personal Assistance Law do not achieve again the main goal of the personal assistance mechanism, **which is a qualitatively different political instrument for social assistance or social services, as we know them well enough in Bulgaria.**

Personal assistance is **direct and targeted financing of people with disabilities** to pay for the work of assistants, which is needed by a person with physical, psychological, or intellectual dependence due to the presence of a disability. It should guarantee the person's control over who and how to serve him or her and over monthly spending to hire assistants. The big goal of personal assistance is to improve qualitatively the opportunities of people with disabilities for independent living at the household, civil and personal level, including independence from relatives, who in the absence of personal assistance should support a person with disabilities. People with disabilities should have the right to hire and manage their assistants and **to choose the employment model** that best suits their needs. The funds allocated to the PA must cover the salaries of personal assistants, their other costs arising from their employment relationships, such as social security contributions at the expense of the employer, as well as costs related to the provision of the service itself, such as administrative costs and peer's support for the personal assistance user.

<http://www.enil.eu/wp-content/uploads/2012/05/Definitions-Bulgarian-1.docx>

The Law on Personal Assistance does not contain a normative decision and does not highlight the essential difference between assistance and personal assistance. The UN Committee on the Rights of Persons with Disabilities has prepared a General Comment № 5 on Article 19 of the Convention on the Rights of Persons with Disabilities of 31 August 2017, which contains clear guidelines on the nature of personal assistance as an instrument for independent living of persons with disabilities

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/5&Lang=en.

The project "Inclusion and Disabilities" is implemented with financial support amounting to EUR 134,000 provided by Iceland, Liechtenstein, and Norway under the EEA Financial Mechanism. The main goal of the project "Inclusion and Disabilities" is "to generate a methodology for monitoring disability policies, which will provide - in an objective and scientifically sound way - evidence of the appropriateness of certain policies."

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Changes in the current LPA are necessary, but in a completely different direction and with a different philosophy, for which there is no political will, competence, and institutional capacity. We propose a single change in the current ZPA, which is in its name - **the Law of Family Care, provided for a person with a disability**. This will avoid the contradiction between the content and name of the law, between the claim of the legislator and the actual effect of the law.

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