

# Developing a Strategy to Promote the Rights of People with Disabilities

## Key Areas for Action

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This document was written by Camilla Parker, Lilya Anguelova-Mladenova and Ines Bulić (European Network on Independent Living), as part of a project supported by the Open Society Foundations – Mental Health Initiative.

For more information, please contact:

European Network on Independent Living  
Ground Floor, Chase House  
City Junction Business Park  
Northern Cross  
Malahide Road  
Dublin 17  
Ireland

Phone: + 353 1 525 0700  
E-mail: [ines.bulic@enil.eu](mailto:ines.bulic@enil.eu)  
Web: <http://www.enil.eu>

# Developing a Strategy to Promote the Rights of People with Disabilities Key Areas for Action

## Introduction

The purpose of this document is to identify the key areas that should be covered by governments when developing their national strategies for persons with disabilities.

### *Identifying areas for action: the European Union Disability Strategy*

The structure of this document is based primarily on the *European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe* (“the EU Disability Strategy”), which seeks “to empower people with disabilities so that they can enjoy their full rights and benefit fully from participating in society and in the European economy”.

The EU Disability Strategy identified eight areas for action as the means to eliminate the main barriers to the full inclusion of people with disabilities in society. It also highlights the work needed to underpin the eight areas of action. Adopting a similar approach, this document first addresses the action to ensure the effective planning and implementation of the strategy, such as data collection and involvement of people with disabilities. It then considers the action to be undertaken in each of the following areas:

1. Accessibility
2. Participation
3. Equality
4. Employment
5. Education and training
6. Social protection
7. Health
8. External Action

When considering each of these areas, the overall objectives and the reason for action are set out, followed by a list of the key relevant legal and policy documents from the European Union (“EU”) institutions and the Council of Europe (“the CoE”), as well as international and European human right standards. These include the EU Fundamental Rights Charter and the CoE *Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-15* (“the CoE Disability Action Plan”). Examples of specific suggested actions identified by the relevant legal and policy documents are also provided.

The range of international and European laws and policies that should underpin the disability strategy are set out in Annexes 1 and 2, with an explanation of their relevance and summary of their key provisions. A definition of key terms is provided in Annex 3. Annex 4 provides details of additional publications (including disability strategies from other countries).

### *The significance of the Convention on the Rights of Persons with Disabilities*

The United Nations Convention of the Rights of Persons with Disabilities (“the CRPD”), which was ratified by 25 EU Member States and by the European Union, is of particular significance. It seeks to “promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity” (Article 1).

The CRPD requires a fundamental change of approach towards people with disabilities. Action must be taken to eliminate disability discrimination and to ensure that people with disabilities are able to exercise their rights. Rather than focusing on the medical aspects of disability, the social model of disability recognises that barriers in the environment are the main factor in disabling people. This approach must be reflected in the development and implementation of national disability strategies, which will also need to show what action is being taken to ensure compliance with the CRPD.

As made clear by Article 19 (Living independently and being included in the community), action must be taken to ensure the shift from institutional care to the provision of support to people with disabilities to live and participate in the community as equal citizens. Given that thousands of people with disabilities continue to languish in long-stay residential institutions due to the lack of alternative services and support in the community, it is crucial to include a plan for deinstitutionalisation and the development of community-based alternative services in the disability strategy (see in particular the area of action, “participation”, below). Moreover, deinstitutionalisation has been identified as one of the priorities by the European Commission in relation to the use of Structural Funds (see the Commission Position papers on the development of Partnership Agreement and programmes in the Member States in 2014 – 2020). Structural Funds can provide the funds and technical support to achieve the transition from institutional care to community living (see *The Toolkit on the use of European Union Funds*, Annex 4). For this reason, this document makes reference to the new regulations relating to Structural Funds, which were adopted in November 2013.

#### *Council of Europe Disability Action Plan 2006 - 2015*

The CoE’s Disability Action Plan sets out 15 key “action lines” and is intended “to serve as a practical tool to develop and implement viable strategies to bring about full participation of people with disabilities in society and ultimately mainstreaming disability throughout all the policy areas of the member states.”

The table below shows how the areas for action identified in this strategy compare with the EU Disability Strategy. The action lines from the CoE’s Disability Action Plan are referred to in this document when considering the relevant action points of the EU Disability Strategy.

**Table: EU Disability Strategy and CoE Disability Action Plan**

<b>Areas for action in the EU Disability Strategy 2010 – 2020</b>	<b>Key action lines in the CoE Disability Action Plan 2006 - 2015</b>
Accessibility	Information and communication The built environment Transport
Participation	Participation in political and public life Participation in cultural life Community living Awareness raising
Equality	Legal protection Protection against violence and abuse
Employment	Employment, vocational guidance and training
Education and training	Education
Social protection	Social protection
Health	Health care Rehabilitation
External action	
	Research and development

The CoE does not include an area comparable to the EU’s “External action”. Both documents identify cross-cutting issues (see the section below: “Planning and implementing the Disability Strategy”, which includes the CoE’s “Research and Development” action line as this is comparable with the EU’s “Statistics and data collection and monitoring”). Many of the areas are interconnected. For example, ensuring the participation of people with disabilities will apply to all areas of action.

## 1.) Planning and implementing the Disability Strategy

The following points will need to be addressed in order to ensure the effective planning and implementation of the disability strategy.

### 1.1. *Statistics and data collection and monitoring*

#### *Specific Suggested Actions*

- Article 31, CRPD requires that the information collected is “disaggregated, as appropriate, and used to help assess the implementation of State Parties’ obligations under the [CRPD] and to identify and address the barriers faced by persons with disabilities in exercising their rights.” (See also CoE Disability Action Plan, Action line No. 14 (Research and Development) para. 3.14.3 i.)
- Ensure information gained through needs assessments, whilst being treated as confidential on an individual basis, is used to the greatest effect to inform overall service planning and provision at national, regional and local levels (CoE Disability Action Plan, Action line No. 14 (Research and Development) para. 3.14.3 ii.)
- The data set “needs to include information that will permit the review of progress in the closure of institutions and of the growth of independent living and services in the community”, and must include sufficient information about the people using the services, such as gender, ethnicity and primary disability (DECLOC Report at pages 94 - 95, see also Common European Guidelines for suggested additional data sets, pages 58 – 59 – see Annex 3 for further details of these publications)
- Encourage and advance comprehensive, diversified and specialised research on all disability issues and co-ordinate it at all levels (CoE Disability Action Plan, Action line No. 14 (Research and Development) para. 3.14.3 iii-ix).

### 1.2. *Monitoring and evaluation*

#### *Specific Suggested Actions*

- Article 33, CRPD requires a monitoring framework to be established, “including one or more independent mechanisms [...] to promote, protect and monitor implementation” of the CRPD.
- A system for monitoring and evaluation should be included in the strategy, to help gather knowledge about the results and measures taken as part of the strategy, and to assess whether the measures taken have led to the improved living conditions of people with disabilities (Chapter 3, Common European Guidelines, see also A Community for All Checklist, page 11 – see Annex 3 for details of these publications)
- Mechanisms for review of a national strategy can include: “a clear timeframe for implementing the right(s), time-bound benchmarks of achievement, and indicators of success.” (Community for All Checklist, page 11).

### 1.3. *Awareness raising*

#### *Specific Suggested Actions*

- Article 8, CRPD sets out a number of actions that should be taken “to raise awareness [...] foster respect [...] combat stereotypes, prejudices and harmful practices [...] and promote awareness of the capabilities and contributions” of people with disabilities. These include: initiating and maintaining effective public awareness raising campaigns; fostering respect for the rights of people with disabilities at all

levels of the education system, including early education; encouraging positive portrayal of people with disabilities in the media; promoting awareness-training programmes on people with disabilities and their rights.

#### 1.4. *Involving people with disabilities*

##### *Specific Suggested Actions*

- Article 4, CRPD requires that State Parties “closely consult with and actively involve persons with disabilities, including children with disabilities” through their representative organisations” in the development and implementation of legislation and policies, and in any decision-making processes which concern them.
- The strategy should foresee how this obligation will be put in practice, through specific actions. Systems for involving people with disabilities should be created in three main areas: “general measures for participation as required under the CRPD; involvement in the process of implementing Article 19; feedback on the quality of services provided to people with disabilities” (Community for All Checklist, page 8).
- Foster links with individuals and organisations (national and international) that can offer expertise in “ensuring the active involvement of people with disabilities in the development of policy and practice” (Community for All Checklist, page 8).

#### 1.5. *Inter-sectoral coordination*

##### *Specific Suggested Actions*

- The actions set out in the disability strategy are likely to require “broad participation of all the stakeholders”. For example, the action on Participation, which includes Community living, will require participation of “decision makers from all the relevant sectors, including child protection, health, education, culture, leisure employment, disability, transport and finance” (Common European Guidelines, page 63).

#### 1.6. *Specific needs of different groups*

##### *Specific Suggested Actions*

- “[T]here are people with disabilities who face specific barriers or experience two-fold discrimination” and will require a cross-cutting response (i.e. across different areas of action) to ensure their full inclusion in society. These groups are: women and girls with disabilities, people with disabilities in need of a high level of support, children and young people with disabilities, ageing people with disabilities and people with disabilities from minorities and migrant communities (CoE Disability Action Plan).

#### 1.7. *Timeframe and budget*

##### *Specific Suggested Actions*

- Based on the assessment of the situation, which helps to “ensure that real needs and challenges are addressed and that resources are used efficiently”, the strategy can set out long-term and short-term goals. (Chapters 2 and 3, Common European Guidelines.)
- Separate action plans may be needed for different priority areas, which should include a budget for implementation. (Common European Guidelines, page 72.)

## 2) Eight Specific Areas for Action

### 2.1 Accessibility

#### *Key Objective*

“Ensure accessibility to goods, services including public services and assistive devices for people with disabilities.”

#### *Reason for Action*

“Accessibility is a precondition for participation in society and in the economy, but the EU still has a long way to go in achieving this.”

#### *Legal and Policy Framework for Accessibility: Key provisions*

- **EU Charter:** Article 21 (Non-discrimination)
- **Regulations on the European Structural and Investment Funds 2014 - 2020:** for example, Article 5(2) European Regional Development Fund (“ERDF”) Regulation and Article 3(2)(b) European Social Fund (ESF) Regulation identify enhancing access to ICT [information and communications technology] as an investment priority; Article 3(1)(b)(iv) ESF identifies access to affordable, sustainable and high quality services, including health care and social services as an investment priority; Article 8 ESF refers to the promotion of equal opportunities and non-discrimination, including “accessibility for persons with disabilities” “through mainstreaming the principles of non-discrimination”.
- **Europe 2020** (Digital agenda for Europe and Innovation Union)
- **Proposal for a Regulation of the European Parliament and of the Council COM (2013) 246 final** (Cross cutting policy objectives: Accessibility)
- **Guidance on Ex Ante Conditionalities for the European Structural and Investment Funds**
- **CRPD:** Article 3 (b) (Non-discrimination), Article 4 (General obligations), Article 5 (Equality and non-discrimination) and Article 9 (Accessibility)
- **ESC (Revised):** Article 15 (The right of persons with disabilities to independence, social integration and participation in the life of the community)
- **CoE Disability Action Plan:** Action line No 3 (Information and communication), No 6 (The built environment) and No 7 (Transport)

#### *Specific Suggested Actions*

- Article 9 CRPD sets out a range of actions, including “to develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open to public” and “to provide training for stakeholders on accessibility issues facing persons with disabilities”
- Remove existing barriers to accessibility (EU Disability Strategy, CoE Disability Action 3.6.3 i))
- Improve the availability and choice of assistive technologies (EU Disability Strategy, CoE Disability Action Plan 3.3.3 viii))
- Seek to provide official information to people with disabilities in accessible formats and technologies, acknowledging the needs arising from different impairments (for example Braille, audio-tape or easy-to-read versions) (CoE Disability Action Plan 3.3.3 i))

- Undertake training and other actions to encourage the use of information and communication technologies by persons with disabilities (CoE Disability Action Plan 3.3.3 ii))
- Ensure public authorities and other public bodies make their information and communications accessible to people with disabilities, including their websites (CoE Disability Action Plan 3.3.3 vi))
- Encourage all private bodies, particularly those that receive public funding, to make their information and communications accessible to people with disabilities (CoE Disability Action Plan 3.3.3 vii))
- Promote compliance with universal design principles with respect to all new information and communication technology developments (CoE Disability Action Plan 3.3.3 ix))
- Ensure that universities and institutions responsible for the training of all occupations working on the built environment promote the principle of universal design (CoE Disability Action Plan 3.6.3 iv))
- Ensure that access to buildings and public areas is not barred to assistive animals accompanying persons with disabilities (CoE Disability Action Plan 3.6.3 vii); to ensure that assistive animals are accommodated in public transport (CoE Disability Action Plan 3.7.3 ix))
- Ensure the accessibility of transport services and infrastructure including built environment (CoE Disability Action Plan Action 3.7.3 i), see also 3.7.3 x) xii) and xiii)
- Eliminate existing barriers and examine further appropriate ways and means to facilitate and improve the access of people with disabilities to culture, including by enhancing access to cultural activities through e.g. subtitled performances, use of easy-to-read and sign language, guides and catalogues in Braille, use of contrasts of light in exhibitions (Council Resolution 2003/C 39/03 paragraph 7.iii))
- Promote a more coordinated and focused approach in eAccessibility activities and in the application and development of existing and new instruments in the areas of technology and standards, legislation and persuasion, and education and information (Council Resolution 2003/C 39/03 paragraph I.1))

## 2.2 Participation

### *Key objective*

The overarching objective is to achieve full participation for people with disabilities in society by:

1. Enabling people with disabilities to enjoy all the benefits of EU citizenship
2. Removing administrative and attitudinal barriers to full and equal participation
3. Providing quality community-based services, including access to personal assistance.

### *Reason for Action*

“There are still many obstacles preventing people with disabilities from fully exercising their fundamental rights - including their Union citizenship rights - and limiting their participation in society on an equal basis with others.”

### *Legal and Policy Framework for Participation: Key provisions*

- **Treaty on the Functioning of the European Union:** Article 9 (in defining and implementing its policies and activities, the EU shall take into account a range of

- factors including “the fight against social exclusion”)
- **EU Charter:** Article 26 (Integration of persons with disabilities)
  - **Regulations on the European Structural and Investment Funds 2014 - 2020:** for example, Article 9(9) of the Common Provisions Regulation identifies “promoting social inclusion, combating poverty and any discrimination” as a thematic objective for the use of EU funds; with the ex ante conditionality including “measures for the shift from institutional care to community-based care”. Article 5 (9)(a) ERDF Regulation specifies “investing in health and social infrastructure which contributes to [...] reducing inequalities in terms of health status” and the “transition from institutional to community-based services” as action under the investment priority “promoting social inclusion, combating poverty and any discrimination”; Article 6 ESF Regulation refers to the involvement of stakeholders, including non-governmental organisations in the implementation of operational programmes and Article 8 ESF Regulation refers to the promotion of equal opportunities and non-discrimination, including actions with a view to enhancing the social inclusion of people with disabilities and “facilitating the transition from institutional to community-based care”.
  - **Europe 2020** (European Platform against poverty and social exclusion)
  - **CRPD:** Participation is integral to the CRPD, for example:
    - Article 3(c) (General principles) refers to the “Full and effective participation and inclusion in society”
    - Article 9 (Accessibility) sets out the purpose of actions to improve accessibility, namely “To enable persons with disabilities to live independently and participate fully in all aspects of life...”
    - Article 19 (The right to live independently in the community) sets out the right of people with disabilities to “live in the community with choices equal to others” and requires that states develop “a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community”.
    - Article 12 (Equal recognition before the law) requires that states “recognise that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life”.
  - **European Social Charter (Revised):** Article 15 (The right to independence, social integration and participation in the life of the community)
  - **CoE Disability Action Plan:** Action lines 1 (Participation in political and public life), 2 (Participation in cultural life), 8 (Community Living) and 15 (Awareness raising)

### *Specific Suggested Actions*

- CRPD, Article 19 – required action includes taking measures to ensure “access to ...community support services...to support living and inclusion in the community”. Realisation of this right will require a plan for deinstitutionalisation and the concurrent development of community-based services and supports.
- CRPD, Article 29 (Participation in political and public life) – required action includes protecting the right of persons with disabilities to stand for election. (See also CoE Disability Action Plan 3.1.3)
- CRPD, Article 30 – required action includes taking measures to ensure that persons with disabilities “have the opportunity to develop and utilize their creative, artistic and intellectual potential”. (See also CoE Disability Action Plan 3.2.3)
- Achieve the transition from institutional to community-based care (EU Disability Strategy, CoE Disability 3.8.3)

- The Common European Guidelines on the Transition from Institutional to Community-based Care, endorsed by the EC, identify three areas for action, in order to achieve the right to community living:
  - the development of high quality, individualised services based in the community, including those aimed at preventing institutionalisation, and the transfer of resources from long-stay residential institutions to the new services in order to ensure long-term sustainability;
  - the planned closure of long-stay residential institutions where children, people with disabilities (including people with mental health problems) and older people live, segregated from society, with inadequate standards of care and support, and where enjoyment of their human rights is often denied;
  - making mainstream services such as education and training, employment, housing, health and transport fully accessible and available to all children and adults with support needs.
- Additional actions are suggested in the CoE Disability Action Plan (3.8.3 para. iii - x),
- Make sports, leisure, cultural and recreational organisations and activities accessible, and use the possibility for exceptions in the Directive on copyright (EU Disability Strategy, CoE Disability Action Plan 3.2.3 )

## 2.3. Equality

### *Key objective*

“Eradicate discrimination on grounds of disability in the EU.”

### *Reason for Action*

“Over half of all Europeans consider discrimination on grounds of disability or age to be widespread in the EU”.

### *Legal and Policy Framework for Equality: Key Provisions*

- **Treaty on the Functioning of the European Union:** Article 10 and Article 19 (which both concern action to combat discrimination, including on grounds of disability)
- **EU Directive 2000/78/EC:** establishing a general framework for equal treatment in employment and occupation (“the Employment Directive”)
- **EU Charter:** Article 1 (Human Dignity), Article 21(Non-discrimination) and Article 26 (Integration of persons with disabilities)
- **Regulations on the European Structural and Investment Funds 2014 - 2020:** for example Article 5 (9)(a) ERDF Regulation specifies “investing in health and social infrastructure which contributes to [...] reducing inequalities in terms of health status” and the “transition from institutional to community-based services” as action under the investment priority “promoting social inclusion, combating poverty and any discrimination”; Article 3(1)(b)(iii) ESF Regulation identifies “[c]ombating all forms of discrimination and promoting equal opportunities” as an action under the investment priority of “promoting social inclusion, combating poverty and any discrimination”; Article 8 ESF Regulation refers to the promotion of equal opportunities and non-discrimination, including “accessibility for persons with disabilities” “through mainstreaming the principles of non-discrimination”.
- **CRPD:** Articles 3 (b) Non-discrimination; 3(d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity and 3(e) equality of opportunity; Article 4 (General obligations); Article 5 (Equality and non-discrimination); Article 10 (Right to life); Article 12 (Equal recognition before the law)

Article 13 (Access to Justice); Article 14 (Liberty and security of the person); Article 15 (Freedom from torture or cruel, inhuman or degrading treatment or punishment); Article 16 (Freedom from exploitation, violence and abuse); Article 17 (Protecting the integrity of the person); Article 22 (Respect for privacy), and Article 23 Respect for home and the family).

- **ECHR:** Article 14 (Non-discrimination in relation to the exercise of rights under the ECHR) Protocol Number 12, ECHR, Article 1 (General prohibition of discrimination)

### *Specific Suggested Actions*

- CRPD, Article 4 - required action includes “to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability”, such as “To modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities”
- CRPD, Article 5 - required action to address disability discrimination, includes taking “all appropriate steps to ensure that reasonable accommodation is provided”.
- CRPD, Article 12 - required action includes taking “appropriate measures to provide access by persons with disabilities to support that they may require in exercising their legal capacity”.
- CRPD, Article 13 – required action includes the promotion of “appropriate training for those working in the field of administration of justice, including police and prison staff”.
- CRPD, Article 15 – required action includes to take all effective measures “to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment”.
- CRPD, Article 16 – required action includes to “ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities”. (See also CoE Disability Strategy 3.13.3)
- Ensure full implementation of Employment Directive 2000/78/EC (EU Disability Strategy)
- Promote diversity and combat discrimination through awareness-raising campaigns (EU Disability Strategy; EP resolution (2013/C 131 E/02) para. 53; Resolution (2008)/C 75/01) para. 1 and 3; CoE Disability Strategy 3.15.3 and 3.12.3; CM/Rec(2012)6 para. 1 “Raising Awareness and changing attitudes”).
- Promote equality (EU Disability Strategy; EP resolution (2013/C 131 E/02) para. 11; EP resolution (2006/2277 (INI)) para. 1; CoE Disability Strategy Action 3.12.3 v), vii) and ix)) and Recommendation CM/Rec (2009)6, para. 3 (“Enhancing equal access to services, including social services, and legal protection”).
- Promotion of “social model of disability” (EP resolution (2006/2277 (INI)) para. 38
- Ensure legislation on legal capacity conforms with the CRPD (EU Disability Strategy; EP resolution (2013/C 131 E/02) para. 15; CoE Disability Strategy 3.12.3 vi), viii) and x); CoE Resolution 1642 (2009)).
- Introduce equality and non-discrimination legislation (Resolution 1844 (2011), paras 9 & 10, see also CM/Rec(2012)6 para 1 (“Equality and non-discrimination legislation”))

## 2.4. Employment

### *Key Objective*

“Enable many more people with disabilities to earn their living on the open labour market.”

### *Reason for Action*

“[...] the rate of employment for people with disabilities is only around 50%.”

### *Legal and Policy Framework for Employment: Key provisions*

- **EU Treaty:** Article 9 (promotion of a high level of employment)
- **EU Charter:** Article 21 (non-discrimination); Article 15 (Freedom to choose an occupation and right to engage in work); Article 26 (Integration of persons with disabilities)
- **Council Directive 2000/78/EC** of 27 November 2000 establishing a general framework for equal treatment in employment and occupation
- **Regulations on the European Structural and Investment Funds 2014 - 2020:** for example, both Article 5(8) ERDF Regulation and Article 3(1)(a) ESF Regulation specify the promotion of employment and supporting labour mobility as an investment priority; Article 8 ESF Regulation refers to the promotion of equal opportunities and non-discrimination, including actions with a view to increasing the labour market participation of people with disabilities.
- **Europe 2020** (European Platform against poverty and social exclusion)
- **CRPD:** Article 3 (b) (Non-discrimination), Article 4 (General obligations), Article 5 (Equality and non-discrimination) and Article 27 (Work and employment)
- **ESC (Revised):** Article 1 (The right to work), Article 10 (The right to vocational training), Article 15 (The right of persons with disabilities to independence, social integration and participation in the life of the community)
- **CoE Disability Action Plan:** Action line No 5 (Employment, vocational guidance and training)

### *Specific Suggested Actions*

- Article 27 CRPD sets out a range of actions, including “prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions”
- Analyse the labour market situation of people with disabilities (EU Disability Strategy)
- Develop active labour market policies (EU Disability Strategy, CoE Disability Action Plan 3.5.3 v and xii))
- Adopt effective legal and financial measures that will effectively support the employment of people with disabilities (EP Resolution (2010/2272 (INI), para. 48)
- Consider the needs of young disabled people and women with disabilities ((EP Resolution (2006/2277 (INI), para. 3, CoE Disability Action Plan 3.5.3 x and xv)
- Mainstream issues relating to the employment of people with disabilities in general employment policies (CoE Disability Action Plan, 3.5.3 i))
- Develop services for job placement, support structures and on-the-job training (EU Disability Strategy, CoE Disability Action Plan 3.5.3 ii - iv))
- Ensure protection against discrimination in all stages of employment, including selection and recruitment, as well as in all measures related to career progression (CoE Disability Action Plan 3.5.3 iv))

- Make workplaces more accessible (EU Disability Strategy)
- Eliminate disincentives in disability benefits that discourage people with disabilities from entering the labour market (EU Disability Strategy, CoE Disability Action Plan 3.5.3 ix); revise social security systems in order to make them more proactive so that individuals who receive benefits or who are partially disabled can remain on the labour market (EP Resolution (2010/2272 (INI), paragraph 55)
- Ensure that general self-employment schemes are accessible and supportive to people with disabilities (CoE Disability Action Plan 3.5.3 vi)
- Ensure that support measures, such as sheltered or supported employment, are in place for those people whose needs cannot be met without personal support in the open labour market and support people with disabilities to progress from sheltered and supported employment to open employment ((CoE Disability Action Plan 3.5.3 vii) and viii))
- Ensure that health and safety legislation and regulations include the needs of persons with disabilities and do not discriminate against them (CoE Disability Action Plan 3.5.3 xiii)
- Help the integration of people with disabilities in the labour market making use of the European Social Fund (ESF) (EU Disability Strategy)
- Promote use of the General Block Exemption Regulation (EC Regulation No 800/2008) which allows the granting of state aid without prior notification to the Commission (EU Disability Strategy)

## 2.5. Education and training

### *Key Objective*

“Promote inclusive education and lifelong learning for pupils and students with disabilities.”

### *Reason for Action*

“In the 16 – 19 age group the rate of non-participation in education is 37% for considerably restricted people, and 25% for those restricted to some extent, against 17% for those not restricted. Access to mainstream education for children with severe disabilities is difficult and sometimes segregated.”

### *Legal and Policy Framework for Education and Training: Key provisions*

- **Treaty on the Functioning of the European Union:** Article 9 (Promotion of a high level of education and training)
- **EU Charter:** Article 21 (Non-discrimination); Article 14 (Right to education); Article 32 (Prohibition of child labour and protection of young people at work)
- **Regulations on the European Structural and Investment Funds 2014 - 2020:** for example both ERDF (Article 5(10)) and ESF (Article 3(1)(c)) Regulations specify the investment in education and lifelong learning as an investment priority.
- **Europe 2020** (European Platform against poverty and social exclusion)
- **CRPD:** Article 3 (b) (Non-discrimination), Article 4 (General obligations), Article 5 (Equality and non-discrimination) and Article 24 (Education)
- **ECHR:** Article 2 (The right to education)
- **ESC (Revised):** Article 1 (The right to work), Article 15 (The right of persons with disabilities to independence, social integration and participation in the life of the community) and Article 17 (The right of children and young persons to social, legal and economic protection)

- **CoE Disability Action Plan:** Action line No 4 (Education)
- WHO European Declaration on the Health of Children and Young People with Intellectual Disabilities and their Families

### *Specific Suggested Actions*

- Article 24 CRPD sets out a range of actions, including “facilitating the learning of Braille [...] and sign language, [...] facilitating peer support and mentoring”
- Remove legal and organisational barriers for people with disabilities to general education and lifelong learning systems, and non-formal education (EU Disability Strategy, EC Resolution 2003/C 134/04 and CoE Disability Action Plan, Action line No. 4, 3.4.3 xii)
- Promote legislation, policies and training to prevent discrimination in access of people with disabilities to education (CoE Disability Action Plan 3.4.3 i)
- Provide timely support for inclusive education and personalised learning, and early identification of special needs (EU Disability Strategy, CoE Disability Action Plan 3.4.3 iii))
- Ensure that people with disabilities, including children, receive the support required, within the mainstream education system, to facilitate their effective education. In exceptional circumstances, where their professionally assessed special education needs are not met within the mainstream education system, ensure that effective alternative support measures are provided consistent with the goal of full inclusion (CoE Disability Action Plan 3.4.3 v)
- Provide adequate training and support for professionals working at all levels of education and report on participation rates and outcomes (EU Disability Strategy, CoE Disability Action Plan 3.4.3 vi)
- Monitor the implementation of individual education plans and facilitate a co-ordinated approach to education provision throughout and towards employment (CoE Disability Action Plan 3.4.3 iv)
- Make educational material and schemes provided through the general educational system accessible to persons with disabilities (CoE Disability Action Plan 3.4.3 vii))
- Include in syllabuses subjects relating to people with disabilities as people who have the same rights as all other citizens and introduce disability awareness in mainstream schools and institutions (CoE Disability Action Plan 3.4.3 viii) and (ix))
- Make places of education and training accessible for persons with disabilities (CoE Disability Action Plan 3.4.3 x))
- Encourage the accessibility of all public websites covering guidance, education and vocational training (EC Resolution 2003/C 134/04 para. iii)
- Provide, where appropriate, facilities, training opportunities and resources regarding the transition from school to employment (EC Resolution 2003/C 134/04 para. ix)
- Ensure that parents of disabled children are active partners in developing individualised education plans of their children (CoE Disability Action Plan 3.4.3 xi)

## **2.6. Social Protection**

### *Key objective*

“Promote decent living conditions for people with disabilities.”

### *Reason for Action*

“Lower participation in general education and in the labour market lead to income inequalities and poverty for people with disabilities, as well as to social exclusion and isolation.”

### *Legal and Policy Framework for Social Protection: Key Provisions*

- **Treaty on the Functioning of the European Union: Article 9** (in defining and implementing its policies and activities, the EU shall take into account a range of factors including “the guarantee of adequate social protection”).
- **EU Charter: Article 34** (Social security and social assistance)
- **CRPD: Article 28** (Adequate standard of living and social protection)
- **ESC (Revised): Article 13** (the right to social and medical assistance); **Article 14** (the right to benefit from social welfare services); **Article 16** (the right of the family to social, legal and economic protection); **Article 23** (the right of elderly persons to social protection); **Article 30** (the right to protection against poverty and social exclusion) and **Article 31** (the right to housing)

### *Specific Suggested Actions*

- CRPD, Article 28 – requires action including measures to ensure “access by persons with disabilities to public housing programmes” and “equal access by persons with disabilities to retirement benefits and programmes”.
- Introduce measures to ensure quality and sustainability of social protection systems (EU Disability Strategy, see also EP Resolution (2013/C 131 E/02) reaffirming “the need to guarantee universal, effective, non-discriminatory access for persons with disabilities to social protection...”, para 44, EP Resolution (2006/2277(INI) paras. 4 & 23; CoE Disability Action Plan, 3.11.2 and Recommendation CM/Rec (2012)6, para. 7 “Access to social protection and community-based services”)
- Develop poverty reduction programmes, disability-related assistance, public housing programmes and other enabling services, and retirement and benefit programmes (EU Disability Strategy)
- Avoid unjustified cuts in social protection and take measures to improve quality of life of persons with disabilities (EP Resolution (2013/C 131 E/02), paras. 79 & 80)
- Review social security systems in order to eliminate direct discrimination against women and girls with disabilities (Recommendation CM/Rec (2012)6, para. 7 “Access to social protection and community-based services”, para 7.iv))

## **2.7. Health**

### *Key Objective*

“Foster equal access to health services and related facilities for people with disabilities.”

### *Reason for Action*

“People with disabilities may have limited access to health services, including routine medical treatments, leading to health inequalities unrelated to their disabilities. They are entitled to equal access to healthcare, including preventive healthcare, and specific affordable quality health and rehabilitation services which take their needs into account, including gender-based needs.”

### *Legal and Policy Framework for Health: Key Provisions*

- **EU Charter: Article 21** (Non-discrimination); **Article 35** (Health care)
- **Regulations on the European Structural and Investment Funds 2014 - 2020:** for example, Article 5 (9)(a) ERDF Regulation specifies “investing in health and social infrastructure which contributes to [...] reducing inequalities in terms of health status” and the “transition from institutional to community-based services” as action under the investment priority “promoting social inclusion, combating poverty and any

discrimination”; Article 3(1)(b) ESF Regulation identifies “[e]nhancing access to affordable, sustainable and high-quality services, including health care and social services of general interest” as an investment priority; Article 8 ESF Regulation refers to the promotion of equal opportunities and non-discrimination, including actions with a view to reducing health inequalities in relation to people with disabilities and “facilitating the transition from institutional to community-based care”.

- **CRPD:** Article 3 (b) (Non-discrimination), Article 4 (General obligations), Article 5 (Equality and non-discrimination) and Article 25 (Health)
- **ECHR:** Article 8 (Right to private and family life)
- **ESC (Revised):** Article 11 (The right to protection of health)
- **CoE Disability Action Plan:** Action lines No 9 (Health care) and No. 10 (Rehabilitation)
- **WHO European Declaration on the Health of Children and Young People with Intellectual Disabilities and their Families**

### *Specific Suggested Actions*

- Article 25, CRPD sets out a range of actions, including providing people with disabilities “with the same range, quality and standard of free or affordable health care and programmes as provided to other persons”.
- Promote equal access to healthcare, including quality health and rehabilitation services designed for people with disabilities (EU Disability Strategy; EP resolution (2006/2277 (INI)) para 10 and 11; CoE Disability Action Plan 3.9.3 and 3.10.3 and Resolution 1642 (2009), paragraph 15)
- Develop policies to tackle health inequalities (EU Disability Strategy)
- Promote action to reduce risks of disabilities developing during working life and to improve the reintegration of workers with disabilities (EU Disability Strategy)
- Incorporate initiatives in national strategies on health and safety at work to prevent mental health problems and promote mental health more effectively, including “the employment of persons with a mental disability” (EU Health and safety at work strategy). (See also CoE Disability 3.10.3 viii))
- Ensure that people with disabilities are consulted fully about their health care (CoE Disability Action Plan 3.9.3 ii))
- Train health care professionals: a) disability awareness and b) proficiency and methods for meeting the specific needs of persons with disabilities (CoE Disability Action Plan 3.9.3 ix))
- Review the provision of health services for people with disabilities, including measures relating to physical accessibility to services, training and medical staff, awareness-raising, information provided in accessible formats and health services customised to the needs of people with disabilities (EP resolution (2013/C 131 E/02) paras 91 and 99)
- Promote the participation of women and girls with disabilities in the area of health care and rehabilitation (CoE CM/Rec(2012)6 “Health care and rehabilitation”)

## **2.8. External Action**

### *Key Objective*

“Promote the rights of people with disabilities within the EU external action.”

### *Reason for Action*

“The EU and the Member States should promote the rights of people with disabilities in

their external action, including EU enlargement, neighbourhood and development programmes.”

*Legal and Policy Framework for External Action: Key Provisions*

- **CRPD:** Article 11 (Situations of risk and humanitarian emergencies) and Article 32 (International Co-operation)
- **European Consensus on Development** (2006/C 46/01)
- Council of Europe, EU Common Position for the Fourth High Level Forum on Aid Effectiveness

*Specified Suggested Actions*

- CRPD, Article 11 – requires States Parties to take “all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk...humanitarian emergencies and the occurrence of natural disasters”.
- CRPD, Article 32 – required action includes “[f]acilitating cooperation in research and access to scientific and technical knowledge”.
- Initiatives to address disability issues in dialogues with non-member countries, and where appropriate include disability and the implementation of the CRPD (EU Disability Strategy)