



European Network on Independent Living Policy Statement

Recommendations to the new Disability Intergroup at the European Parliament

September 2014

With the new European Parliament established as well as the continuation of the unprecedented attacks on disabled people's right to Independent Living, the European Network on Independent Living (ENIL) are releasing recommendations and suggested actions to the European Parliament Disability Intergroup; these are based on our research, the reality facing disabled people and the Disability Intergroup Work Priorities 2009 – 2014.¹

The Disability Intergroup, an informal group of Members of the European Parliament who are interested in promoting disability policy in their work, produced a document of ten areas they would seek to address during the course of their term.² These were:

- A European Parliament for all
- United Nations Convention of the Rights of Persons with Disabilities (UNCRPD)
- A comprehensive Disability Pact setting objectives and targets at EU level
- The right to non-discrimination in all areas of life
- The right to a decent income, social protection and social security
- The right to live independently in the community and make our own choices in life
- The right to equal access to public transport and goods and services
- Human rights of people with disabilities in third countries
- Disability-proof EU budget
- Visibility of the Disability Intergroup at the European Parliament

The purpose of this policy paper is to establish to what extent were the objectives in the ten priority areas implemented by the Disability Intergroup in 2009 – 2014. This is

¹ See: <http://www.disabilityintergroup.eu/>

² See:

<http://cms.horus.be/files/99909/MediaArchive/Intergroup/New%20Disability%20Intergroup%20work%20priorities%207th%20EP%20term%20final.doc>



followed by recommendations to the upcoming Disability Intergroup on how to more effectively promote the rights of disabled people in the European Parliament. The policy paper is aimed at members of the Disability Intergroup and other Members of the European Parliament.

Analysis of the priority areas 2009 – 2014

1. A European Parliament for All

A European Parliament for All calls for an accessible, inclusive environment that also supports the awareness of disabled people participating in the elections. It is evident that much work has been done to improve access into the European Parliament for all disabled visitors and staff; however, as highlighted by the recent Freedom Drive (Strasbourg, 2013), it took many hours of negotiation and attempts to stop disabled campaigners from entering the Parliament, before disabled people and their non-disabled allies were 'allowed' into the Parliament to attend the meeting with MEPs and give speeches on the reality facing disabled people. The resistance was explained as a result of the **Parliament unable to accommodate a certain number of wheelchair users**, although we eventually gained entry and ensured everyone was included in the meeting. Furthermore, our attempt to meet with Adam Kosa (Disability Intergroup President at the time) was denied due to what was described as a failure to ensure his access needs were met.

With the election results showing at least six disabled MEPs elected (representing 0.8% of MEPs), **ENIL are not aware of evidence that demonstrates how the Disability Intergroup has improved the European Parliament**. We would like to know how the Disability Intergroup plans to support and encourage the participation of disabled people applying for roles and positions within the Parliament. We want to see evidence of joint working, particularly in preparation for the European Elections 2018, with groups and organisations that support and improve fairer access to elections; furthermore, ENIL produced a toolkit on supporting eligible citizens to vote and would welcome the opportunity to discuss how the European Parliament can support us in publicising our documents during the next elections.

2. UN Convention on the Rights of Persons with Disabilities

Much work has been done to further embed the UNCRPD within numerous areas of the policy developments emerging from the European Parliament and Commission. The Council adopted the decision for conclusion of the UNCRPD in 2009 and the Convention entered into force with respect to the EU in 2011. The European Commission considers issues of implementing the UNCRPD at an EU level should be tackled in the European Disability Strategy 2010-2020. Whilst it is clear that the Disability Intergroup have achieved advancements in this area, there are questions

over the positive impact such actions have made to the lives of disabled people. Many disabled people are unaware of the UNCRPD, its aims and how it exists to protect the rights of people in various Member States – where it has been signed and ratified. **We recommend the new Intergroup builds upon the work pertaining to the UNCRPD and calls for an analysis of how the UNCRPD has improved the lives of disabled people;** also, the Disability Intergroup should focus on ensuring disabled people, their organisations (i.e. organisations controlled by disabled people for disabled people) and allies are aware of the Convention. This will ensure there is a grass-root movement to facilitate and encourage positive change.

3. A comprehensive Disability Pact setting objectives and targets at EU level

The proposal for a Disability Pact was welcomed by organisations and individuals as a way of ensuring disability policy provided clear and long-term direction at the national and European level. Since January 2010, there has been limited information on how the Pact has made a positive difference; furthermore, the website dedicated to the Pact appears to be inaccessible.³ Although a number of policy initiatives have attempted to further the rights of disabled people and their participation within society, ENIL would like to fully understand how EDF's initial proposal for a Disability Pact has been carried forward to 2014 and clarify how the original aims and objectives have been embedded within other policies and Pacts. Articles 4 and 33 of the UNCRPD clearly state that State Parties should ensure the inclusion of disabled people and their organisations in the development of policies and legislation, as well decision-making processes that affect disabled people. It is our recommendation that future work prioritises **an in-depth review of how Member States are developing their specific disability action plans**, ensuring that disabled people and their organisations are fully included in the design, development and delivery of the plans. It would be beneficial to include a **monitoring system to determine if the EU agendas and action plans that reference disability are delivering on their actions and how they are ensuring full, equal participation of disabled people in the process.**

4. Promoting the rights of disabled people

A number of the Disability Intergroup work priorities have focused on the promotion, protection and support of disabled people's rights, which ranged from tackling discrimination in employment, access to services and healthcare; supporting disabled people to achieve their basic right to live a life with dignity and the correct level of support; and working to advance equal access to transport through

³ See: www.disabilitypact.eu



legislation. Whilst we are pleased to acknowledge the Intergroup's work on the various rights that disabled people have to fight for on a daily basis, it is evident that more needs to be done. **The extensive cuts to welfare, coupled with the implementation of other European austerity measures, have left the rights of disabled people seriously compromised.** Research in 2012 (midway through the Disability Intergroup's workplan) highlighted that the political and social reforms, implemented as a result of the economic crisis, are seriously undermining the fundamental civil, political, social and economic rights of disabled people in Europe and generating a serious risk of further marginalising individuals.⁴

The risk of poverty is already a harsh reality for many disabled people and will continue to encompass many others, regardless of how we come to realise the aims and objectives as outlined in the European Disability Strategy 2010-2020.⁵ In July 2014, a report states that the UK, arguably recognised as an international leader in protecting and promoting the rights of disabled people, is in clear breach of its legal obligations with support structures disappearing or under serious threat of dismantlement.⁶ Whilst this illustrates specific issues at a national level, the European Ombudsman – Emily O'Reilly – has commenced with an investigation to determine how the Commission ensures the Member States respect fundamental rights when investing EU Funds.⁷ ENIL believes the systematic failure to ensure disabled people have their needs met and their aspirations realised has further led disabled people to experience discrimination, reduced life chances and isolation within their communities. As set out in Article 19 of the UNCRPD, we expect all disabled people to have the freedom to make their own choices and have independence and autonomy within all aspects of their lives. To recognise that all disabled persons can fully enjoy all human rights and fundamental freedoms, we suggest **alternative plans and procedures must be implemented to reverse the catastrophic effects of austerity measures and reform.** We want to know how the Disability Intergroup plans to further the cause of ensuring disabled people realise their rights within the Member States; furthermore, we want to be aware of the resistance towards advancing the cause and how the Disability Intergroup intends to use the experience to find better ways of bringing about positive change. Finally, we welcome a response to our recommendations as outlined in the Background Paper to ENIL's "Resolution against the Cuts"⁸:

- Support the Resolution of the European Parliament on the effect of cuts in public spending on disabled people in the European Union, as proposed by ENIL;

⁴ See: http://www.efc.be/news_events/Pages/austerity-measures.aspx

⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:EN:PDF>

⁶ See: http://just-fair.co.uk/hub/single/dignity_and_opportunity_for_all/

⁷ See: www.ombudsman.europa.eu/en/press/release.faces/en/54420/html.bookmark

⁸ See: http://www.enil.eu/wp-content/uploads/2012/05/Background_paper_Resolution.doc:



- Form a working group to respond to attacks on disabled people's independence and social inclusion by the national Governments during the economic crisis, which will include representatives of organisations of disabled people such as ENIL;
- Support other legislative and other measures to facilitate the implementation of the CRPD by the European Union and the Member States.

As outlined in our 2014 Manifesto⁹, we call for an immediate stop to the cuts and reversal of all decisions that have stripped disabled people of their benefits and services. Member States must recognise their responsibility to provide services to all the residents and realise that disabled people have a right to access holistic support, which meets all their needs – we suggest the Disability Intergroup seeks to address this in their new workplan. Furthermore, by providing the right level of support and not targeting disabled people as a way of reducing Government expenditure, Member States can prevent the escalation of higher costs to meet unsupported and crisis-related needs. **We expect the European Union to provide strong guidance and additional legislative initiatives to pressure the Member States to safeguard disabled people's support services and benefits from the imposed cuts.**

5. Human rights of people with disabilities in third countries

We welcome the Disability Intergroup's work to advance the human rights of disabled people in 'third countries', as we recognise that the barriers and injustice that people experience is brought about by how society is constructed and not by an individual's health condition or perceived limitations. Globally, disabled people experience poverty, oppression and reduced life chances; with pressure groups and disabled activists recognising their shared exclusion, there must be a strong focus on implementing equal participation for all disabled people by considering disability to be the limitations within society. **We call on the Intergroup to explain how they plan to support various disability rights movements across the world, ensuring that support – regardless of the type – directly benefits disabled people and their user-led organisations.**

6. Disability-proof EU budget

By reviewing how the European Union budget contributes to the removal of barriers that prevent disabled people's active participation within society, ENIL is outraged at the number of disabled people living in institutions; this also includes the continual use of funds to develop 'community-based institutions', whereby disabled people are living within the community but unable to experience meaningful opportunities. Furthermore, many disabled people are encountering a reduction in the number of

⁹ See: <http://www.enil.eu/wp-content/uploads/2014/03/ENIL-Manifesto.pdf>



personal assistance hours as well as a restriction on what assistants can do. Whilst the original work priorities focused on ensuring all programmes and policies financed from the EU Budget take into account the 'disability dimension', we ask the Disability Intergroup to explain how it seeks to address the pertinent issues outlined above. **All budgets need to reflect what disabled people across Europe are demanding: tailored support in order to achieve Independent Living.** Centres for Independent Living and Disabled People's Organisations must have a real and authentic opportunity to receive this funding to further promote choice and control within disabled people's lives.

7. Visibility of the Disability Intergroup at the European Parliament

We expect that during the next Disability Intergroup term, the group will continue to raise awareness and facilitate dialogue with partners and organisations that could bring about a real change for disabled people. **Even the concept of Independent Living is not widely understood nor recognised by the various parties and groups which operate within the Parliament; therefore, in order to increase the visibility of the Intergroup, we recommend it takes responsibility for ensuring all members, and those involved in policy development within the Parliament, use the correct terminology and respect as well as acknowledge how they are defined by the Independent Living Movement.**¹⁰

ENIL looks forward to working in collaboration with those who can help bring about positive change and will review the next set of work priorities, with an expectation that our suggestions be embedded within the aims and objectives.

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¹⁰ See ENIL's Independent Living definitions: <http://www.enil.eu/policy/>