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**European Disability Strategy 2010-2020:
A Renewed Commitment to a Barrier-Free Europe**

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List of main abbreviations

EC: European Communities

EU: European Union

MS: Member States

CoE: Council of Europe

UN: United Nations

ILO: International Labour Organisation

OECD: Organisation for Economic Co-operation and Development

TEC: Treaty Establishing the European Community

TEU: Treaty on European Union

TFEU: Treaty on the Functioning of the European Union

UNCRPD: United Nations Convention on the Rights of Persons with Disabilities or "UN Convention"

DAP: Disability Action Plan

DHLG: Disability High Level Group

NGO: Non Governmental Organisation

OMC: Open Method of Coordination

SPSI: Social Protection and Social Inclusion

ANED: Academic Network of European Disability Experts

NSR: National Strategic Report

EU-SILC: EU Statistics on Income, Social Inclusion and Living Conditions

EQLS: European Quality of Life Survey

LFS: Labour Force Survey

INTRODUCTION

This background document relating to the European Disability Strategy 2010-2020 describes the present situation as regards disability in the EU, refers to evidence and supporting data, underpins the new strategy and summarises the contributions received in the public and the stakeholders' consultation rounds**.**

1. OVERVIEW OF THE SITUATION

1.1. Definition of disability

There is no EU-wide definition of disability. The United Nations Convention on the Rights of Persons with Disabilities[1] (UNCRPD or UN Convention) uses an open definition which says that (Article 1) *'Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.'*

The Convention recognises that disability is an 'evolving concept' and one that 'results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others'.

In practice, the definition of disability depends on its intended use: non-discrimination laws may be based on different criteria from those used to determine eligibility for state benefits. Moreover, definitions within the same policy area vary between Member States: the 'Study on the situation of women with disabilities in light of the UNCRPD' provides a comparative analysis of differences in the emphasis that European countries place on the medical and social aspects of disability when adopting non-discrimination laws[2].

1.2. Prevalence of disability

The proportion of people with disabilities or long-term health problems across the Member States is estimated at 15.7 % of the working-age population.[3] This is the evidence of the 2002 ad hoc disability module of the Labour Force Survey (LFS AHM).[4]

However, the LFS AHM only surveyed working-age (16-64) persons. The annual survey on Statistics on Income, Social Inclusion and Living Conditions (SILC) includes all persons aged 15 and above. In years 2006 through 2008, on average almost 8 % of respondents across Europe stated that they were **severely restricted** in 'activities people usually do' and 16.5 % of respondents stated that they were restricted to some extent, adding up to approximately

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[1]   UN Website, *Convention on the Rights of Persons with Disabilities*. [Online].
[2]   Ecotec, 'Study on the situation of women with disabilities in light of the UN Convention for the Rights of Persons with Disabilities', A Final Report for the DG Employment, Social Affairs and Equal Opportunities of the European Commission (VC/2007/317), December 2009 [Online].
[3]   The 2002 ad hoc disability module of the Labour Force Survey shows that 6.3 % of working-age people see themselves as severely restricted, 4.1 % somewhat restricted and further 5.2 % report some form of disability or a long-term disease.
[4]   APPLICA & CESEP & ALPHAMETRICS, 'Men and Women with Disabilities in the EU: Statistical Analysis of the LFS ad hoc module and the EU- SILC' Final Report of study undertaken for the European Commission,, April 2007, *Europa website* [Online], p. 10 & 28.

24.5 % of the population. The data from SILC for persons of working ages 15-64 who say they are **severely restricted** or restricted to some extent show a total percentage of 17.6 % of the population, which is in line with the percentage of the LFS AHM.

Among the respondents to another European-level survey, the European Quality of Life Survey (EQLS), 7 % considered themselves to be severely disabled and 15 % disabled to some extent.

While there is some variation between the figures of these surveys, the incidence of severe restriction (respectively 6 %, 8 %, and 7 %) is in a narrow range.

Another quantitative approach uses the Healthy Life Years methodology, which looks at life expectancy without disability. Based on data from Eurostat, the results[5] are that in the EU25 men were expected to live 80.7 % of their life without disability, while women could expect to live 75.4 % of their lives free of disability.

Further analysis shows that there is a clear **correlation between age and disability**. EU-SILC data from 2006 to 2008 show that on average over 30 % of respondents aged over 75 say they are restricted to some extent, and over 20 % describe themselves as severely restricted. In the 85-and-over age group, 'severe limitation' is more common than 'some limitation'. The EU-SILC data suggest that across all age groups, the prevalence of limitation was somewhat higher amongst women than men in 2007[6], with almost 9 % of women describing themselves as severely restricted and around 18 % as restricted to some extent compared to 7 % and over 14 % respectively amongst men. It seems that men are more likely to be strongly limited than women, as exemplified by looking at the 55-64 age group in the EU-SILC, where 10 % of men are classified as strongly limited against just over 8 % of women[7].

In summary, these results indicate that at least one in six of working-age Europeans living in households is affected by some form of disability or long-standing health problem. If those living in institutions and people of retirement age are taken into account, the overall incidence is even higher.

1.3.   National differences

An analysis of the EQLS data shows great differences in the incidence of disability between countries, from around 20 % in the EU15 up to 32 % in the new Member States [8].

Similarly, the LFS dataset showed that proportions varied markedly across EU Member States, ranging from 32 % in Finland and 27 % in the UK to just under 7 % in Italy[9].

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[5]   Europa - Public Health, 5/05/2010, *'Data on the Healthy Life Years in the European Union'*.

[6]   APPLICA & CESEP & ALPHAMETRICS, 'Men and Women with Disabilities in the EU: Statistical Analysis of the LFS ad hoc module and the EU- SILC', Final Report of study undertaken for the European Commission, *Europa website*, April 2007, p. 45.

[7]   APPLICA & CESEP & ALPHAMETRICS, 'Men and Women with Disabilities in the EU: Statistical Analysis of the LFS ad hoc module and the EU- SILC', Final Report of study undertaken for the European Commission, *Europa website*, April 2007, p. 45.

[8]   Fahey *et al*., 'Quality of Life – First European Quality of Life Survey 2003', 2004. *Europa website – Eurofound*, p. 56.

[9]   APPLICA & CESEP & ALPHAMETRICS, 'Men and Women with Disabilities in the EU: Statistical Analysis of the LFS ad hoc module and the EU- SILC', Final Report of study undertaken for the European Commission, *Europa website*, April 2007, p. 20.

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The EU-SILC showed variations, with for example 25 % of the population being hampered to some extent in Estonia and a corresponding figure of 6.5 % in Iceland. These differences in self-reported limitations may be due to environmental, social or economic factors, but could also reflect different societal and cultural attitudes to what constitutes limitation.

While there may be some difference between countries[10], there seems to be a general consensus that demographic trends (i.e. ageing of population) lead to an increase in the number of years which a person will live with a disability and hence to an increase in the number of persons with disabilities.

1.4.   Social and economic impact of disability

Available evidence suggests that persons with disabilities suffer explicit or concealed discrimination or are at risk of discrimination. This leads to a number of social and economic disadvantages:

- Incidence of **poverty** for persons with disabilities is 70 % higher than average.[11] The enlargements of 2004 and 2007 increased the number of persons with disabilities by some 9 million. Standards of living are substantially below the EU average in most of the 'EU-12', which implies an increase of EU citizens with disabilities living in precarious circumstances.

- The **work-related** limitations imposed on persons with disabilities carry a significant risk of isolation and exclusion, the 'benefit trap' appearing to be one of the biggest obstacles to their labour market participation.

- **Employment** rates for persons with very severe and severe degrees of disability are respectively 19.5 % and 44.1 %

- Fewer opportunities for persons with disabilities to participate fully in **education** carry a significant disadvantage for personal development. Measures to facilitate full inclusion of persons with disabilities at all levels of education would considerably improve their standing in the labour market and their social integration.

A study by the European Foundation for the Improvement of Living and Working Conditions highlights ten risk factors for social exclusion[12]: long-term dependence on low or inadequate income; long-term unemployment; low quality employment or absence of employment record; low level of education and illiteracy; growing up in a vulnerable family; disability; health; living in an area of multiple disadvantage; precarious housing conditions and homelessness; immigration, ethnicity, racism and discrimination.

People with disabilities suffer from most of these social exclusion risk factors[13]. A particular strand of research has examined how the risk of people acquiring a disability relates to some

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[10]   Lafortune et al., 'Trends in Severe Disability Among Elderly People: Assessing the Evidence in 12 OECD Countries and the Future Implications', 30.03.2007, OECD Health working papers, *OECD website*, p. 6.
[11]   According to the 2004 EU-SILC data, over 17 % of those aged 16-64 who were strongly limited in what they could do had income below the risk of poverty line compared to just over 10 % of those not limited at all.
[12]   Grammenos, S., 'Illness, Disability and Social Inclusion', 2003, *Europa website – Eurofound*, p. 31.
[13]   Grammenos, S., 'Illness, Disability and Social Inclusion', 2003, *Europa website – Eurofound*, p. 31.

of these factors. For instance, European-level analysis of socio-economic characteristics of people with illness and disability has shown that poorly educated people, poor, unskilled workers and the unemployed constitute high-risk groups for acquiring a disability[14].

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[14]   Grammenos, S., 'Illness, Disability and Social Inclusion', 2003, *Europa website – Eurofound*, p. 125.

2. THE 2004-2010 DISABILITY ACTION PLAN'S ACHIEVEMENTS

2.1. Historical and institutional context of disability policies at EU and Member State level

Since 1983, the Commission has supported the development of a European disability policy through a succession of action programmes[15], initially aimed at promoting networking among rehabilitation and education professionals. The third disability action programme (HELIOS II) marked an important shift in the Commission's approach, its aim being 'to promote equal opportunities for and the integration of disabled people'. The equal opportunities approach was clearly set out in a 1996 Communication[16].

With the insertion of Article 13 into the EC Treaty by the Treaty of Amsterdam in 1997 (now Article 19 TFEU), appropriate steps could be taken to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. This led in 2000 to the adoption of the Framework Equal Treatment Directive (Council Directive 2000/78/EC), which requires Member States to take measures to prohibit various forms of discrimination on grounds of disability (as well as religion, belief, age and sexual orientation) in employment and occupation. Furthermore, the rights of persons with disabilities have been addressed in recent years by EU legislation in several sectors, such as transport, public procurement, ICT, and structural funds[17].

The current EU Disability Action Plan (DAP) was formulated for the period 2003-2010[18] in two-year phases with the following policy priorities: in 2008-2009 it focused on accessibility,[19] in 2006-2007 on active inclusion[20] and in 2004-2005 on employment[21]. Although disability issues require action at all levels of governance, the DAP focused on the measures taken by the Commission at EU level, aiming to coordinate the activities of the various Commission services. The action plan is based on three pillars: mainstreaming, accessibility and legislation against discrimination.

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[15] Community Social Action Programme on the Social Integration of Handicapped People, 1983-88, (1981); HELIOS I (Second) Community Social Action Programme for Disabled People (1988) OJ L104/38; HELIOS II (Third) Community Action Programme to Assist Disabled People (1993) OJ L56/30.

[16] Communication of the Commission on Equality of Opportunity for People with Disabilities - COM(96) 406, 30.07.1996.

[17] See the Disability Action Plan 2008-2009, achievements at EU level.

[18] Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, 'Equal Opportunities for people with disabilities: A European Action Plan' - COM(2003) 650, 30.10.2003 [online].

[19] Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, 'Situation of disabled people in the European Union: The European Action Plan 2008-2009' - COM(2007) 738, 26.11.2007 [Online].

[20] Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, 'Situation of disabled people in the enlarged European Union: The European Action Plan 2006-2007' - COM(2005) 604, 28.11.2005, [Online].

[21] Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, 'Equal Opportunities for people with disabilities: A European Action Plan' - COM(2003) 650, 30.10.2003 [Online].

2.1.1. *Member State activities*

Member States have implemented a number of measures to address the problems associated with disability. These include examples of mainstreaming as well as targeted strategies or policies, such as restructuring of benefit systems.

Although some Member States have been actively integrating disability into relevant policies[22], research done by the Academic Network of European Disability Experts (ANED) on National Strategy Reports for Social Protection and Social Inclusion (SPSI NSRs) has shown that disability is mainstreamed in markedly different ways and that significant work is still required to achieve effective and strategic mainstreaming of disability issues in national policy development[23].

In some relevant areas, such as flexicurity, research has found little explicit reference to disability (where this is present it is mainly for the carers rather than people with disabilities)[24]. Moreover, people with disabilities are in some countries absent from discussions on social inequality, exclusion and poverty[25].

ANED experts have also highlighted how education has either been underplayed or disregarded in NSRs on the subject of transposing European common objectives on social protection and social inclusion[26]. On the other hand, in the same reports [27], increasing employment participation for disadvantaged groups is a priority common to all countries.

As far as targeted policies and strategies at Member State level are concerned, the ANED analysis reveals a wide diversity of employment activation and facilitation policies, encompassing accessibility modifications in the workplace, personal assistance at work, supported employment, sheltered employment, social firms, occupational training and rehabilitation, and self-employment schemes[28]. Moreover, most Member States have taken initiatives to improve the accessibility of public buildings and to adopt rules friendly to people with disabilities regarding new constructions.

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[22] See DAP 2008-2009, Annex 5: Member State developments contributing to the implementation of the EU Disability Action Plan.

[23] Priestley, M., 'Synthesis report on disability mainstreaming in the 2008-2010 National Strategy Reports for Social Protection and Social Inclusion (NSRs)', Oct. 2008, *Academic Network of European Disability Experts* [Online], p. 9.

[24] Priestley, M., 'Synthesis report on disability mainstreaming in the 2008-2010 National Strategy Reports for Social Protection and Social Inclusion (NSRs)', Oct. 2008, *Academic Network of European Disability Experts* [Online], p. 15.

[25] Priestley, M., 'Synthesis report on disability mainstreaming in the 2008-2010 National Strategy Reports for Social Protection and Social Inclusion (NSRs)', Oct. 2008, *Academic Network of European Disability Experts* [Online], p. 16.

[26] Priestley, M., 'Synthesis report on disability mainstreaming in the 2008-2010 National Strategy Reports for Social Protection and Social Inclusion (NSRs)', Oct. 2008, *Academic Network of European Disability Experts* [Online], p. 20.

[27] Priestley, M., 'Synthesis report on disability mainstreaming in the 2008-2010 National Strategy Reports for Social Protection and Social Inclusion (NSRs)', Oct. 2008, *Academic Network of European Disability Experts* [Online], p. 13.

[28] Priestley, M., 'Synthesis report on disability mainstreaming in the 2008-2010 National Strategy Reports for Social Protection and Social Inclusion (NSRs)', Oct. 2008, *Academic Network of European Disability Experts* [Online], p. 13.

2.1.1.1. Disability High Level Group Reports on implementation of the UN Convention

Since the start of the Disability Action Plan 2003-2010, a Disability High Level Group (DHLG) composed of experts in disability policies from Member States' governments and civil society organisations has supported the European Commission in its implementation. In 2007 the German Presidency requested the DHLG to identify common challenges and solutions and to report back to the ministerial disability conferences of subsequent EU presidencies on progress made in respect of the UN Convention. Since 2008, the DHLG has prepared an annual progress report indicating the state of play in relation to implementation of the UN Convention and identifying potential areas for cooperation at European level in implementing the Convention.

The first report (2008)[29] focused on issues related to the state of play of signatures and ratifications, to governance mechanisms developed at national level, to translation of the Convention, to screening of relevant disability legislation, to training, awareness-raising activities and information on the Convention. It also identified a number of areas for which collaboration at EU level could be useful, for example through exchanges of information and good practice.

The second report (2009)[30] showed some of the achievements and challenges in areas where Member States have seen added value in cooperation: accessibility, legal capacity, access to justice, living independently, voting rights and monitoring mechanisms and empowerment.

The third report (2010)[31] focuses on governance aspects as covered by Article 33 of the UN Convention (formal governance mechanism, participation of civil society and collection of statistics on disability). Furthermore, it provides information on national strategies and actions developed in order to effectively put into practice the UN Convention and it draws attention to areas for EU-level cooperation.

2.2. Scope of the 2003-2010 Disability Action Plan

The 2003-2010 EU strategy on disability (Disability Action Plan, DAP) was developed in two-year phases. The specific objectives of these phases are shown in the table below.

Table 2: Overview of the DAP priorities

2004-2005	2006-2007	2008-2009
• access to, and remaining in, **employment**; • **lifelong learning** in support of	• encouraging **activity**; • promoting access to **quality support and care services**;	• fostering **accessibility** of the labour market; • boosting **accessibility** of goods, services and infrastructures;

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[29] European Commission, 'First Disability High level Group Report On Implementation of the UN Convention on the Rights of Persons with Disabilities', 2008, *Europa*, [Online].

[30] European Commission, 'Second Disability High level Group Report On Implementation of the UN Convention on the Rights of Persons with Disabilities', June 2009, *Europa*, [Online].

[31] European Commission, 'Draft Third Disability High level Group Report On Implementation of the UN Convention on the Rights of Persons with Disabilities', March 2010, *Europa*, [Online].

employability, adaptability, personal development and active citizenship of people with disabilities; and • using the potential of **new technologies** in empowering people with disabilities	• fostering **accessibility** of goods and services; and • increasing the EU's **analytical capacity**	• consolidating the Commission's analytical capacity to support **accessibility**; • increasing the EU's **analytical capacity**; • facilitating **implementation of the UN Convention**; and • **complementing the Community legislative framework** of protection against discrimination

2.3. Summary of DAP achievements

The DAP in its successive phases contained actions in a wide range of areas leading to improvements and some key results.

The Mid-term Evaluation of the DAP notes good progress towards 'the full and effective implementation' of the Employment Equality Directive 2000/78/EC[32]. The Directive prohibits discrimination in employment on a number of grounds, including disability. In Article 5 it establishes a duty for employers to provide **reasonable accommodation** for individuals with a disability. The Directive also allows for **positive action** in Article 7(1), which states that the 'principle of equal treatment shall not prevent any Member States from maintaining or adopting specific measures to prevent or compensate for disadvantages'[33]. The Directive does not explicitly define disability, but court cases have brought some clarity to this issue[34]. To complement the Employment Equality Directive, a proposal for a Directive on non-discrimination beyond the workplace has been adopted by the Commission.[35]

Action in the area of **accessibility** has led to the adoption of important legislation.

Table 3: Overview of European accessibility legislation

Area	Document
Transport	Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air
	Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations

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[32] See Centre for Strategy & Evaluation Services (2009), 'Mid-term Evaluation of the European Action Plan 2003-2010 on Equal Opportunities for People with Disabilities', p. 7.

[33] Ibid, p36.

[34] See Waddington, Lisa and Lawson, Anna (2009), 'Disability and non-discrimination law in the European Union – an analysis of disability discrimination law within and beyond the employment field', p. 15.

[35] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52008PC0426:EN:HTML

	Regulation of the European Parliament and of the Council concerning rights of passengers (including PRM) when travelling by sea and inland waterways (adopted on 11 October 2010, pending publication).
	Commission Decision 2008/164/EC of 21 December 2007 concerning the technical specification of interoperability relating to persons with reduced mobility in the trans-European conventional and high-speed rail system
	Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, amending Directives 70/156/EEC and 97/27/EC
ICT	Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity
	Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)
	Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)
	Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities

An important development was the inclusion of Article 16 in the General Regulation (No 1083/2006) on the Structural Funds, which specifies that, in implementing the Funds, steps need to be taken to prevent any discrimination on the basis of disability and that accessibility is to be one of the criteria to be taken into account during the implementation[36].

A good contribution to progress on accessibility is made by the EC Standardisation Mandates 376 (on e-accessibility and public procurement in the area of ICT goods and services and public procurement) and 420 (on accessibility to the public built environment)[37].

The mid-term evaluation notes other achievements, including disability issues now being more prominent in the Social Protection and Social Inclusion (SPSI) OMC[38], as well as a

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[36]   See European Commission (2009), 'Second High Level Group Report on Implementation of the UN Convention on the Rights of People with Disabilities', p. 215.

[37]   See Centre for Strategy & Evaluation Services (2009), 'Mid-term Evaluation of the European Action Plan 2003-2010 on Equal Opportunities for People with Disabilities', p. 8.

[38]   See Centre for Strategy & Evaluation Services (2009), 'Mid-term Evaluation of the European Action Plan 2003-2010 on Equal Opportunities for People with Disabilities' p. 9.

revision of the General Block Exemption Regulation to promote employment of people with disabilities[39].

Nevertheless, the mid-term evaluation also identified some weaknesses, such as lack of indicators and insufficient involvement of the Member States. Also, the evaluation made recommendations for future work, for example to make the activities consistent with full implementation of the UNCRPD.

These achievements in the area of disability show that progress has been made, but only in some of the areas of the UNCRPD. A wider-ranging strategy is needed to comply fully with the substantive provisions of the UNCRPD.

2.4. Impact of EU initiatives

2.4.1. Impact on the situation of persons with disabilities

There is limited information regarding the direct impact of EU policies on people with disabilities. The mid-term evaluation of the DAP investigates the achievements to date, but it says little about the impact on that target group.

The Employment Equality Directive is widely considered to be an important piece of European legislation for people with disabilities. However, the evaluators found that there is little evidence of progress in terms of employment rates of people with disabilities since the adoption of the DAP[40].

The DAP mid-term evaluation report notes that collaborative support through FP6 research projects contributed to the development of a number of innovative technologies which can in turn support independent living for people with disabilities, especially people with cognitive disabilities. The actual impact of these technologies on people with disabilities could not however be assessed[41]. In general, the evaluators found that the DAP has generated a large number of outputs, including projects, activities, documents and events, but the results of these were difficult to quantify[42] and few conclusions could be drawn about the actual impact on the situation of people with disabilities.

The DG EMPL 2009 activity report provides additional information about the current impact of EU actions on people with disabilities. In terms of collaborative support, the report states that around 4 % of the beneficiaries of ESF funding in 2008 were people with disabilities[43].

The evaluation of the European Year of People with Disabilities provided some insights on the impact of awareness-raising activities. It indicated that the activities have helped to mobilise and enable the participation of people with disabilities and their organisations, although no other clear benefits for people with disabilities were identified[44].

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[39]   Ibid.

[40]   Ibid, p. 144.

[41]   See Centre for Strategy & Evaluation Services (2009), 'Mid-term Evaluation of the European Action Plan 2003-2010 on Equal Opportunities for People with Disabilities' , p. 50.

[42]   Ibid, p. 149.

[43]   See European Commission (2009), 'Employment, Social Affairs, and Equal Opportunities Directorate General 2009 Annual Activity Report' , p.. 9.

[44]   See Ramboll Management (2004). 'Evaluation of the European Year of People with Disabilities', p. 31.

With regard to EU activities in the area of accessibility, the MeAC (Measuring Progress of eAccessibility in Europe) report from 2007 provides a very good overview of the recent developments. The authors of the report note that there is little evidence of initiatives such as the eAccessibility Communication, inclusion of eAccessibility as one of the themes in the i2010 policy framework, and the 2006 Riga ministerial declaration having a major impact on accessibility. Furthermore it highlighted an eAccessibility 'deficit' and pointed out that people with disabilities still faced many barriers to using ICT products and services[45.] This is underscored by the Riga Dashboard report from 2007, which notes that progress towards achieving the Riga targets is much too slow[46]. This, in turn, implies that the situation of people with disabilities has not seen much improvement. As an example, the report notes that in 2007 only 5 % of public websites in Europe were fully accessible, nowhere near the 100 % target set for 2010[47.]

An ANED report 'The implementation of EU social inclusion and social protection strategies in European countries with reference to equality for disabled people' focuses on the impact on people with disabilities of European agenda-setting activities under the Open Method of Coordination (OMC) in the areas of social inclusion, pensions, and health and long-term care. The authors of the report note the introduction of new legislation aiming at fighting discrimination and improving social inclusion. They remark on positive developments, such as evidence of policy measures supporting independent living, de-institutionalisation, and empowering people with disabilities.

However, the report notes that the situation differs between countries[48] and that the level of poverty among people with disabilities remains high. The authors conclude that 'the current policy measures have not been able to offer to people with disabilities a safety net that would bring them out of the poverty trap and enable them to lead dignified lives'[49].

Overall, the evidence of the impact of current and previous EU action on the situation of people with disabilities remains limited. It is however important to keep in mind that the impact of some measures can take a long time to materialise. Nevertheless, some of the instruments have potential to bring about more immediate changes: examples being the positive effect of ESF funding on employment and the OMC's impact on adopting measures promoting independent living and deinstitutionalisation.

2.4.2. Economic impact

The impact of European disability policy on **industry** is felt in two main areas. As regards the impact of existing or proposed anti-discrimination legislation which covers people with disabilities, most information comes from employer and industry organisations and it tends to focus on the 'costs' of anti-discrimination measures. However, there is relatively little hard data available on the benefits of such measures. People with disabilities who have the opportunity to be (more) gainfully employed might for example make a bigger contribution to

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[45]   See Empirica and Work Research Centre (2007), 'Assessment of the Status of eAccessibility in Europe', p. II.

[46]   See European Commission (2007), 'Measuring Progress in e-Inclusion – Riga Dashboard 2007', p. 3.

[47]   Ibid, p. 5.

[48]   Ibid, p. 32.

[49]   See Academic Network of European Disability Experts (ANED) (2009), 'The implementation of EU social inclusion and social protection strategies in European countries with reference to equality for people with disabilities' , p. 33.

society. Further benefit can be obtained by measures that lead to the creation of new or bigger markets for products and services.

A Business Europe response to a European stakeholder consultation regarding discrimination cites a 2007 study by the University of Dortmund and the Initiative for New Social Market Economy (INSM), which looks at the potential cost to German businesses of implementing the German non-discrimination laws. The study reveals that the total annual cost to German companies of putting in place preventive measures required by the transposition of EU anti-discrimination legislation (such as new strategies or training) can amount to €1.73 billion[50], or 0075 % of the 2008 GDP. The methodology of this study was criticised by the German government's non-discrimination office (*Antidiskriminierungsstelle*), whose estimate (based on the data of the INSM study) was €26 million, around 1.5 % of the INSM estimate[51].

Similarly, in a position paper responding to the proposal for a Directive on Implementing the Principle of Equal Treatment Between Persons Irrespective of Religion or Belief, Disability, Age or Sexual Orientation (COM(2008)426 final), Business Europe argues that reasonable accommodation would result in significant costs for businesses. Similarly, it points to the potential cost of reversal of the burden of proof with regard to accessible goods and services[52]. UEAPME, the European Association of Craft, Small and Medium-sized Enterprises, voiced similar concerns regarding the burden of proof (Article 8), stating that it implies that all activities of the enterprise would need to be documented, which, in turn, implies high potential costs that can have a detrimental effect on the economic performance of small enterprises[53].

Although business stakeholders argue that the costs of tackling discrimination are high for businesses, other sources tell a different story. A US study showed that 'more than 80 % of reasonable accommodation adjustments cost less than US $500 but half of all those accommodations cost practically nothing'[54] In another study by the Department of Work and Pensions in the UK, 74 % of businesses reported that making adjustments to provide reasonable accommodation had been easy.[55] Similarly, a Swiss study noted that the cost of making public and other buildings accessible does not exceed 1 % of building costs[56].

A UK study commissioned by Government Office for Disability Issues on the costs and benefits of independent living pointed out that people with disabilities are likely to contribute more to public finances and to draw less benefits if they can live in the community rather than in institutions. The study concluded that on a macro-economic level, independent living is a

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[50] See Business Europe (2007), Response to social partner consultation 'Discrimination, does it matter?', p. 1.
[51] See for example Hawley, C. (2008), 'Feared cost of Anti-Discrimination Law May Not Exist', 8/05/2008, Der Spiegel [Online].
[52] See Business Europe (2008), 'Business Europe Position Paper – Commission Proposal for a Directive on 'Implementing the Principle of Equal Treatment Between Persons Irrespective of Religion or Belief, Disability, Age, or Sexual Orientation', p. 5.
[53] Ibid, p. 4.
[54] Office of Disability Employment Policy (ODEP), US Department of Labour, 'Investing in People: Job Accommodation Situations and Solutions', [Online] http://www.dol.gov/odep/pubs/misc/invest.htm.
[55] Simm, Claire et al (2007), 'Organisations' responses to the Disability Discrimination Act', Research Report No 410 for Department for Work and Pensions, [Online] http://research.dwp.gov.uk/asd/asd5/rports2007-2008/rrep410.pdf, p. 2 and passim.
[56] Eidgenössische Technische Hochschule Zürich: http://www.hindernisfrei-bauen.ch/kosten_d.php

cost-effective option.[57] The study also pointed out that sending young disabled people to secluded residential schools costs considerably more than facilitating their further education within their community.[58]

A 2008 study by EPEC has produced various estimates of the macro-economic impact of the lack of integration in society of persons with disabilities. It estimates that the lower labour-force participation or lower qualification level of individuals with disabilities results in the loss of €40.3 billion in GDP for the EU-25 yearly.[59] Discrimination in health services results in more days lost to sickness or in the persons concerned leaving the workforce entirely, causing an annual GDP loss of €812 million in the EU-25 countries.[60] These figures imply that the total elimination of discrimination in occupation and training as well as healthcare would create over €41 billion in value for society each year. The EPEC study also estimates that increasing the educational standard of people with disabilities Europe-wide to the level of Germany (the best performer) could generate €28 billion annually in higher wages.

While these estimates are of a macro-economic nature, many businesses see diversity of workforce also as a benefit at micro level. A European Commission project used the 2008 European Business Test Panel (EBTP) to assess the benefits of diversity. Around 56 % of EBTP companies with an equality and diversity (E & D) agenda suggested that it has a positive impact on their business and some 63 % of them identified a link between diversity and innovation.[61]

Non-discrimination also creates new or better market opportunities. A study by the Royal National Institute of the Blind (UK) established that a £35 000 investment by the supermarket chain Tesco in making their website accessible brought in additional revenue of over £13 million a year[62]. In a different sector and country, a study commissioned by the German Federal Ministry of Economics and Technology estimates that more accessible facilities would result in an increase of travel by persons with disabilities, yielding between €620 million and €1 930 million in additional turnover for the German tourism industry. This would mean additional income of between €365 million and €1 150 million, as well as 16 000 to 50 000 new full-time jobs. 45.6 % of persons surveyed for the study would be prepared to spend, on average, an extra €12.50 per day for adequate facilities.[63]

By combining data from several sources an estimate can be made of the annual size of the EU market for assistive devices. Assistive technology products are products designed to assist people who, because of specific impairments or those general impairments that often

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[57]   Hurstfield, Jennifer et. al. (2007): 'The costs and benefits of Independent Living', report for HM Government Office for Disability Issues, p. 100.

[58]   See Hurstfield, Jennifer et. al. (2007): 'The costs and benefits of Independent Living', report for HM Government Office for Disability Issues, p. 97.

[59]   EPEC (2008), 'Study on discrimination on grounds of religion and belief, age, disability and sexual orientation outside of employment', p. 85.

[60]   EPEC (2008), 'Study on discrimination on grounds of religion and belief, age, disability and sexual orientation outside of employment', p. 86.

[61]   European Commission (2008), 'Continuing the Diversity Journey: Business Practices, Perspectives and Benefits', p. 32.

[62]   Web Accessibility Initiative (WAI), 'Case Study of Accessibility Benefits: Tesco', retrieved from http://www.w3.org/WAI/bcase/tesco-case-study.

[63]   See Federal Ministry of Economics and Technology (2004), 'Economic Impulses of Accessible Tourism for All – summary of Results', retrieved from http://www.bmwi.de/English/Redaktion/Pdf/economic-impulses-of-accessible-tourism-for-all-526,property=pdf,bereich=bmwi,sprache=en,rwb=true.pdf, p. 36.

accompany old age, would otherwise be unable to participate meaningfully in society and the economy. According to the ISO definition 9999 (2007), "an assistive product is any product (including devices, equipment, instruments, technology and software) especially produced or generally available, for preventing, compensating, monitoring, relieving or neutralizing impairments, activity limitations and participation restrictions". Assistive technology encompasses a broad range of devices, from "low-tech" products such as eyeglasses and large-print books, to technologically sophisticated products such as voice synthesizers, Braille readers, and wireless monitoring devices.

On the basis of US figures coming from Medicare, the annual value of the EU market for wheelchairs is estimated to be around €2 billion. Considering that wheelchairs represent about 38 % of the home medical equipment market[64], the total annual value of this market for assistive devices would then be in the order of €5 billion. If one considers also other assistive segments like the vision and reading aids segment, the market for assistive devices in the EU would be worth over €30 billion[65]. Moreover, on the basis of data for the US market, this figure is expected to increase considerably in the coming years[66]. By opening up this market, sizeable efficiency gains should be attainable.

2.4.3. *Impact on technological development and innovation*

There is limited information on the impact that various EU initiatives in the field of disability have on technological development and innovation. EU instruments could be expected to have an impact on the funding of disability-related research through the framework programme on technological development and innovation. The authors of the mid-term evaluation of the DAP do in fact state that the collaborative support in the form of research projects funded under the Framework Programmes had such an impact, in particular through demonstration effects in terms of development of innovative solutions to support independent living for persons with cognitive disabilities[67].

A more indirect effect of European actions in the area of disability is the potential impact of a more unified and harmonised set of standards. Standards which are simplified or harmonised across Europe, even if strict, can be beneficial to businesses by reducing the cost of developing a product for multiple markets within Europe. They can also encourage innovation since they effectively expand the potential market that a product in development can reach at a given cost, making the product potentially more profitable.

2.4.4. *Impact on public authorities*

Public authorities are a key target of a wide range of EU policies. The mid-term evaluation of the DAP provides a comprehensive overview of the impact on public authorities, noting, among other things, that the DAP served as a useful reference point for public authorities across Europe.

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[64]   'Wheeled mobility market' , online at:
        http://www.wheelchairnet.org/wcn_wcu/Research/StakeholderDocs/PDFs/wpf_wheelchairsummary_do
        c.pdf.

[65]   Deloitte & Touche, Access to Assistive Technology in the European Union 2003.

[66]   The U.S. market for assistive technology is expected to be worth $38.2 billion in 2008, up from $36.4 billion in 2007. This should increase to $49.3 billion in 2013, a compound annual growth rate of 5.3%, http://www.bccresearch.com/report/HLC047B.html.

[67]   Centre for Strategy & Evaluation Services (2009), 'Mid-term Evaluation of the European Action Plan 2003-2010 on Equal Opportunities for People with Disabilities' , p. 50.

In terms of practical benefits, the existence of a high-level European framework is reckoned to have contributed for example to the development of national disability action plans (in France, Ireland, Portugal, Sweden and the UK). The evaluators also stress that the DAP encouraged disability mainstreaming at national and regional levels. There is however also evidence suggesting that in some cases the DAP was overly complex and did not relate to the context and priorities at Member State level[68].

With regard to the impact of different types of instruments, the Progress Annual Performance Monitoring Reports for 2008 and 2009 show that evaluation and monitoring, data collection, and awareness-raising activities (including policy advice, research and analysis, statistical indicators, tools and methods) all contributed to national policymaking[69]. Similarly, with regard to awareness-raising in the form of the European Year of People with Disabilities, it was found that the Year prompted national decision-makers to launch new initiatives, resulting in a number of legal and policy initiatives across Europe[70].

Agenda-setting activities, such as OMC, also impact on public authorities. The ANED report 'The implementation of EU social inclusion and social protection strategies in European countries with reference to equality for disabled people' shows that a number of measures were put in place as a result of EU actions. This involved in particular efforts to boost inclusive education, modernising social policies by increasingly focusing investment in education, as well as actions to promote de-institutionalisation and provision of direct payment schemes. The report also stresses the lack of statistical information, which is necessary in order to better assess the impact[71].

Although the European initiatives are also likely to entail costs for public authorities, they result from obligations stemming from the UNCRPD, and carrying them out at EU level could also bring some savings by avoiding duplication of national efforts. For example activities such as data collection and reporting could constitute a financial and administrative burden for Member States, although this tends to be unavoidable as the Monitoring Guidelines published by the UN Committee on the Rights of Persons with Disabilities contain strong demands concerning the collection of statistics.

Overall, there are some indications that the measures taken to date are having a positive impact, although this evidence is very limited. It is possible that a greater impact will materialise over time, but there appears to be significant scope for improving the current situation.

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[68] See Centre for Strategy & Evaluation Services (2009), 'Mid-term Evaluation of the European Action Plan 2003-2010 on Equal Opportunities for People with Disabilities' , p. 11.

[69] European Commission, 'Progress Annual Performance Monitoring Report from 2008', Progress Annual Performance Monitoring Report from 2008, p. 37 ff. and European Commission, 'Progress Annual Performance Monitoring Report from 2008' Progress Annual Performance Monitoring Report from 2009, p. 43 ff.

[70] Ramboll Management (2004).'Evaluation of the European Year of People with Disabilities', p. 36.

[71] Academic Network of European Disability Experts (ANED) (2009), 'The implementation of EU social inclusion and social protection strategies in European countries with reference to equality for people with disabilities', p. 34.

2.5. Key recommendations from mid-term evaluation of the DAP

Two main conclusions that can be drawn from the 'Mid-term Evaluation of the European Disability Action Plan 2003-2010'[72] are:

- In a subset of areas where problems were identified and actions were included in the DAP, additional improvements are needed;

- There is a need for a wide range of instruments, including in particular evaluation and monitoring and data collection.

The study generally concludes that '(...) the Disability Action Plan made a positive contribution to promoting equal opportunities for people with disabilities in its first two implementation phases'[73] by serving as a useful reference point for relevant actors. Nevertheless, the study notes the following:

- the assessment of the situation of people with disabilities in the labour market does not reveal much progress in terms of increased employment rates and reduced inactivity rates;

- limited progress has been made in the area of lifelong learning;

- few disability mainstreaming activities had a national dimension.

Even in areas where the authors of the evaluation note that considerable progress has been made, challenges remain. On the subject of accessibility to the built environment, they point out that 'tackling accessibility barriers will only be achievable over the long term, which will require ongoing commitment at EU and MS level'[74]. Similarly, with regard to Directive 2000/78/EC on anti-discrimination, the authors of the study note that 'there remains some way to go before the transposition process can be said to have been completed satisfactorily'[75].

With regard to the use of specific instruments, monitoring and evaluation activities are considered incomplete. There is thus scope 'for improving the monitoring system' and for putting in place 'performance measurement indicators, context indicators and baselines' (p. 143). In fact, the evaluation report puts forward thirteen recommendations in the area of monitoring and evaluation, which include the following:

- the Commission should monitor the full and effective implementation of recent EU legislation likely to have an impact on promoting equal opportunities for people with disabilities;

- a study should be undertaken to assess the extent to which EU legislation with the potential to impact on people with disabilities is being fully and effectively implemented; and

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[72]   Centre for Strategy & Evaluation Services (2009), 'Mid-term Evaluation of the European Action Plan 2003-2010 on Equal Opportunities for People with Disabilities'.

[73]   Centre for Strategy & Evaluation Services (2009), 'Mid-term Evaluation of the European Action Plan 2003-2010 on Equal Opportunities for People with Disabilities', p. 155.

[74]   Centre for Strategy & Evaluation Services (2009), 'Mid-term Evaluation of the European Action Plan 2003-2010 on Equal Opportunities for People with Disabilities', p. 60.

[75]   Centre for Strategy & Evaluation Services (2009), 'Mid-term Evaluation of the European Action Plan 2003-2010 on Equal Opportunities for People with Disabilities', p. 126.

- some quantitative monitoring should be carried out by the Unit for the Integration of People with Disabilities so that statistical data on EU DAP activities are available to inform the work of the DHLG and the mid-term evaluation of Disability 2020 envisaged for 2015[76].

Some of the recommendations focus more specifically on data collection, with the evaluation report suggesting that 'there should continue to be a focus in the successor Action Plan on improving the comparability of disability data' and that 'there is a need to improve the availability of disability statistics on a disaggregated basis'[77].

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[76] Centre for Strategy & Evaluation Services (2009), 'Mid-term Evaluation of the European Action Plan 2003-2010 on Equal Opportunities for People with Disabilities' , p. 164.

[77] Centre for Strategy & Evaluation Services (2009), 'Mid-term Evaluation of the European Action Plan 2003-2010 on Equal Opportunities for People with Disabilities'.

3.   DEVELOPMENT OF THE NEW EUROPEAN DISABILITY STRATEGY 2010-2020

3.1.   International and EU developments

3.1.1.   *Council of Europe Action Plan*

The Council of Europe (CoE) has an action plan for the period 2006-2015, with a focus on promoting the rights and full participation of people with disabilities in society and aiming to improve the quality of life of all people with disabilities in Europe. All EU Member States are members of the CoE and are implementing this action plan.

The plan is broken down into action lines. These often refer to specific areas also covered in the UNCRPD, along with cross-cutting aspects relevant to people with disabilities. The CoE Action Plan was developed before the adoption of the UNCRPD[78] and it does not cover its full scope. The plan has been taken into account in the preparation of the new strategy.

3.1.2.   *United Nations Convention on the Rights of Persons with Disabilities*

Since March 2007, all EU Member States are signatories to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and a majority of them have signed its Optional Protocol too. The ratification process is under way. The European Community (now EU) has also signed the UNCRPD and the Council adopted the Decision for its conclusion in November 2009[79]. Furthermore the Commission has made a proposal for a Council decision to accede to the Convention's Optional Protocol.

In March 2008, when the Council asked the Commission to begin working on a European disability strategy to succeed the DAP,[80] it invited the Commission to consider setting consistent and comparable national targets to reflect how national actions comply with the commitment made by the EU and the Member States to fully implement the UNCRPD.

The UN Convention has therefore been taken as a point of departure in structuring the problems that the new strategy should address, for two important reasons. Firstly, both the EU and the Member States have undertaken obligations by signing the Convention. Secondly, the Convention provides a well-developed reference framework, which encompasses practically all relevant disability issues. The UN Convention is a 'mixed agreement': it covers some issues that fall fully within the competence of the Member States, others that fall fully within the Union's exclusive competence and still others that fall within the competence shared by the Member States and the Union. In implementing the Convention, the EU and its Member States are bound by a duty of loyal cooperation with each other (Article 4(3) TEU).

The section below gives an overview of the problem analysis and maps the key gaps between the current situation and a scenario where the UNCRPD would be fully implemented, providing examples from available data and research, with a focus on Europe-wide data

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[78]   The UNCRPD was adopted in December 2006.
[79]   Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, (2010/48/EC).
[80]   Resolution of the Council of the European Union and the representatives of the Governments of the Member States, meeting within the Council of 17 March 2008 on the situation of persons with disabilities in the European Union, (2008/C 75/01).

sources. The section is organised to reflect the Articles of the UNCRPD, grouped into four main categories: horizontal issues, civil and political rights, economic, social and cultural rights, and governance issues.

3.1.2.1. Horizontal issues

- Equality and non-discrimination (Article 5)

Research has shown that people with disabilities experience various kinds of discrimination in all areas of life[81]: less favourable treatment because of hostility, fear, impatience, ignorance or even misplaced kindness; inaccessibility of physical environments, structures and features; inaccessibility of information; inflexibility as to modes of communication; and lack of staff assistance.

The 2009 special Eurobarometer focusing on discrimination in the European Union showed that 53 % of respondents across the EU believed that discrimination on grounds of disability was widespread, while 41 % of respondents believed it was rare[82]. Around 80 % of respondents to the public consultation for the Disability Strategy 2010-2020 agreed or strongly agreed that people with disabilities face discrimination in their everyday activities.

The forms of anti-discrimination legislation vary across the Member States: some (e.g. Hungary and Germany) have created separate laws on disability and employment or new anti-discrimination acts specifically addressing persons with disabilities, while others have taken the approach of incorporating anti-discrimination clauses into all legislation[83].

A 2009 analysis of disability and non-discrimination law in the European Union[84] concluded that good progress has been made in implementing Directive 2000/78/EC on equality in employment, while also noting that the most challenging disability-related problems in transposing the Directive into national law were: establishing who is protected from discrimination on grounds of disability and clarifying the concept of reasonable accommodation.

- Particularly vulnerable groups (Articles 6 and 7)

It is, for example, evident that women with disabilities are under-represented in democratic processes and decision-making more generally[85]. In addition, women with mental or

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81 European Commission (2008), 'Impact assessment - Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation', 2/07/2008, Commission Staff Working Document SEC(2008) 2180 & COM(2008) 2180, [Online], And: Waddington, L & Lawson, A. (2009), 'Disability and non-discrimination law in the European Union – An analysis of disability discrimination law within and beyond the employment field', July 2009, European Network of Legal Experts in the Non-Discrimination Field, [Online].

82 European Commission (2009), 'Discrimination in the EU in 2009' Special Eurobarometer Report 317, Nov 2009, [Online] p. 78.

83 See 'Study on the situation of women with disabilities in light of the UN Convention for the Rights of Persons with Disabilities' (2009).

84 Waddington, L & Lawson, A. (2009), 'Disability and non-discrimination law in the European Union – An analysis of disability discrimination law within and beyond the employment field', July 2009, European Network of Legal Experts in the Non-Discrimination Field, http://www.non-discrimination.net/content/media/Disability%20non-discrimination%20law.pdf [Accessed: 28/07/2010].

85 See 'Study on the situation of women with disabilities in light of the UN Convention for the Rights of Persons with Disabilities', p. 133.

psychological disability are at greater risk of being abused than are men with disabilities or women without disabilities. Social protection systems and healthcare services do not recognise gender as a dimension relevant to persons with disabilities. Women with disabilities are particularly under-represented in recreational activities, culture and sport – in terms of participation, leadership, management and media coverage[86]. Similarly, children with disabilities face significant barriers to e.g. participation in recreational activities, culture and sport, and remain poorly served by provision of education[87].

- Awareness-raising (Article 8)

Awareness-raising is crucial in fighting discrimination, as the latter is often based on hostility, fear, impatience, ignorance or even misplaced kindness, all of which are rooted in insufficient familiarity with the issue. Disability is the type of discrimination most widely recognised, yet awareness of the existence of anti-discrimination law in the EU is quite low – in the 2006 discrimination Eurobarometer (in 2009, the question was not asked), around half of the European public knew e.g. that discrimination on the basis of disability in hiring new employees is prohibited by law. Awareness is lower in new Member States than in the EU15[88].

- Accessibility (Article 9)

The UNCRPD refers to accessibility in detail, and highlights the responsibility of States Parties to take 'appropriate measures to ensure to persons with disabilities access, on equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems and to other facilities and services'.

Additionally, 91 % of respondents in the 2006 Eurobarometer survey agreed that more money should be spent on eliminating physical barriers faced by people with disabilities[89].

Premises that are open to the public, such as shops, restaurants, cinemas, post offices, schools and courts of law, are often inaccessible to people with disabilities[90]. **Physical access to buildings** has been highlighted as a particular challenge for higher education institutions in countries like Estonia, Hungary, Italy, Portugal and Spain[91].

Access to transportation is a vital factor for the inclusion of persons with disabilities. Mobility is a particularly important issue for those that are considerably restricted[92]. In some countries transport support scheme are financed by the State, but in others families themselves

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[86]   'Study on the situation of women with disabilities in light of the UN Convention for the Rights of Persons with Disabilities', p. 34-135.
[87]   'Study on the situation of women with disabilities in light of the UN Convention for the Rights of Persons with Disabilities', p. 135.
[88]   European Commission (2007), 'Discrimination in the European Union' Special Eurobarometer 263, Jan 2007, [Online], p. 31.
[89]   European Commission (2007), 'Discrimination in the European Union' Special Eurobarometer 263, Jan 2007, [Online], p. 13.
[90]   Grammenos, S., 'Illness, Disability and Social Inclusion', 2005, *Eurofound*, p. 36.
[91]   European Agency for Development in Special Needs Education (2006), 'Special Needs Education in Europe – Provision in post-primary education' Volume 2, [Online]], p. 56.
[92]   See 'Men and women with disabilities in the EU: statistical analysis of the LFS ad hoc module and the EU-SILC', p. 110.

have to pay for transportation, which in itself may pose another obstacle to enjoying e.g. leisure activities and health care[93].

Lack of **accessibility to sources of information** is recognised as a particular challenge, for example in Hungary, Norway, Romania, Sweden and Switzerland[94]. In the Czech Republic, Estonia, Hungary, the Netherlands and Portugal a particular need for specialist educational support (e.g. technical aids, counselling, guidance) has been highlighted.

Accessibility barriers in using **services** like insurance, rented accommodation, banking and financial services, as well as shops and other goods and services pose significant problems for people with disabilities (e.g. by refusal to provide service, providing lower standard of service, providing services on worse terms[95]). With regard to assistive technologies, there is evidence of insufficient supply of public goods, weak competition and lack of information about new developments[96].

Although almost all **websites** are navigable to some extent, on average in the EU27 only 5 % of public websites comply fully with the web accessibility standards and guidelines. The percentage of subtitled audio-visual programming varies widely (2.5 % to 95 %) and there is considerable fragmentation across product ranges when it comes to built-in accessibility in PCs and software[97].

- Situations of risk and humanitarian emergencies (Article 11)

As an example, research on the response to the 2004 tsunami in Southeast Asia showed that people with disabilities were particularly badly affected. Many of them lost all mobility aids and were under-represented in lobbying for reconstruction funding[98].

3.1.2.2. Civil and political rights

- Rights with regard to legal and justice system (Articles 12, 13 and 14)

There is not much quantitative Europe-wide information about rights such as equal recognition before the law (Article 12) and access to justice (Article 13), but there are clear indications that this is a key problem area.

There is evidence that judicial buildings are still barely accessible and that justice personnel are not properly trained to provide an appropriate service and to cover the needs of people with disabilities (this is particularly true for women with disabilities)[99]. Round-table panellists at the Conference of State Parties to the UNCRPD in September 2009 underlined the

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[93] 'Men and women with disabilities in the EU: statistical analysis of the LFS ad hoc module and the EU-SILC, p. 36.

[94] European Agency for Development in Special Needs Education (2006), 'Special Needs Education in Europe – Provision in post-primary education' Volume 2, [Online], p. 56.

[95] Fahey *et al*., 'Quality of Life – First European Quality of Life Survey 2003', 2004. *Europa website – Eurofound*, p. 76.

[96] See for example http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0332:EN:NOT, p. 7.

[97] European Commission (2007), Impact Assessment for the 'European i2010 initiative on e-Inclusion' - SEC(2007) 1469, p. 7.

[98] International Disability and Development Consortium (2005), 'Disability in Conflict and Emergency Situations: Focus on Tsunami-affected Areas' [Online], p. 7-9.

[99] See 'Study on the situation of women with disabilities in light of the UN Convention for the Rights of Persons with Disabilities', p. 113.

importance of equal legal rights and access to justice, with one panellist noting that 'To date (…) no country in the world had completely recognised the right to legal capacity of all people with disabilities or fully eliminated forced mental health treatment (…). Some countries had granted limited decision-making rights to the disabled, but they remained under the guardianship of others, often against their will'[100]. These problem areas have also been identified as priorities by the High Level Group on Disability. The area of legal rights and access to justice is therefore of key importance in the new strategy.

- Freedom from torture or cruel, inhuman or degrading treatment or punishment and exploitation, violence and abuse (Articles 15 and 16)

Research shows examples of inappropriate treatment and patient abuse in residential institutions for mentally disabled people, where the remoteness of the institutions and the professional isolation of their staff create closed communities and a culture of disrespecting human dignity and human rights[101]. Also, the rate of abuse and violence committed against women with disabilities, particularly women with severe or mental disabilities, is believed to be much higher than against women without disabilities or even men with disabilities[102].

- Right to life, Protecting the integrity of the person, respect for privacy and respect for home and family (Articles 10, 17, 22 and 23)

Research has in this context questioned the 'non-interference' characteristics of these Articles, with particular attention to the influence various impairments may have on making informed decisions (e.g. restrictions, dependency, pain, fatigue), highlighting the particular vulnerability to abuse of people with mental disabilities[103]. This approach emphasises the role of a care provider, particularly in situations where intellectual disabilities are involved, suggesting that the principle of 'right to self-determination' may not always be appropriate[104].

- Liberty of movement and nationality (Article 18)

Evidence suggests that the majority of disabled people do not take advantage of their right to free movement and that they know little about the European initiatives in place to support free movement[105]. Around 60 % of respondents to the public consultation for the Disability Strategy 2010-2020 agreed or strongly agreed that the strategy should address the fact that EU citizens with disabilities find it more difficult to move to another Member State than other EU citizens.

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[100] UN General Assebmbly (2009), 'Round Table Panellists Underline Decision-making Rights of Disabled People' [Online].
[101] Human Rights Monitoring Institute et al (2005) 'Human Rights Monitoring in Residential Institutions for Mentally Disabled and Psychiatric Hospitals' [Online].
[102] See 'Study on women with disabilities'; and Council of Europe (2006), Recommendation of the Committee of Ministers to the Member States on the Council of Europe 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 2006-2015.
[103] *European Journal of Health Law 14 (2007) 273-298:* SELECTED LEGISLATION AND JURISPRUDENCE - UN Convention on the Rights of Persons with Disabilities.
[104] *European Journal of Health Law 14 (2007) 149-163*: The Rights of People with an Intellectual Disability in the Netherlands: From Restriction to Development.
[105] See LivingAll Free movements and equal opportunities for all (LivingAll), 'Work package 4: Detection of Main Barriers'.

- Participation in political and public life (Article 29)

Research[106] findings about political participation: there are particular challenges associated with the ability of people with disabilities to represent themselves[107]; inaccessibility of polling stations gives people with disabilities less opportunity to vote[108]; and measures to ensure that civil rights are granted and can be exercised have not been effective enough[109]. Limited accessibility of political venues, of transport facilities, or of information (e.g. unavailability of material in Braille, large print or audio format) is likely to prevent people with disabilities participating politically in society.

3.1.2.3. *Economic, social and cultural rights*

- Living independently and being included in the community (Article 19)

A study carried out in the EU Member States and Turkey, 'De-institutionalisation and community living: outcomes and costs', found that nearly 1.2 million children and adults lived in long-stay residential institutions. Over a quarter of places in institutions are filled by people with intellectual disabilities, while people with mental health problems are the next largest group. It is widely acknowledged that traditional institutional living arrangements generally inhibit individuals' ability to work, which clearly has an impact on tax revenues, national insurance and pension contributions[110].

In strategically reshaping this area, the quality of services provided or paid for by public authorities as well as their availability should be in focus. Adequate attention to long-term care and assistance is needed to facilitate living at home. Lack of or limited assistance or services may partly be related to structural barriers such as availability of support for assistive technologies, access to rehabilitation measures or adaption of the physical environment[111].

- Personal mobility (Article 20)

The market for mobility aids and assistive technologies is considerably fragmented, impacting on both the efficiency and affordability of various solutions. Moreover, there are relatively few formal standards that are specific to assistive devices, although there are large numbers of standards that have particular relevance for accessibility of mainstream devices[112]. However, standards may be costly and both designers and producers need to ensure that these standards are relevant to their products.

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[106]   See 'Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs'.

[107]   'Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs', p. 6.

[108]   'Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs', p. 50.

[109]   'Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs', p. 51.

[110]   See Hurstfield, Jennifer et. al. (2007): 'The costs and benefits of Independent Living', report for HM Government, Office for Disability Issues, p. 89.

[111]   'Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs'.

[112]   See Gill, John (2009): 'Assistive Technology and Accessibility Portals', prepared for DG INFSO European Commission, [Online], p. 6-7.

- Freedom of expression and opinion, and access to information (Article 21)

A survey carried out by the European Blind Union showed that only six European countries offer audio description on television and that the provision is very sparse, representing at most about 1 % of programmes (this share is higher in the UK)[113]. Another example can be found in a report issued by the European Deaf Union on the status of sign language across Europe: a number of Member States have not officially recognised national sign language either constitutionally or through other legal measures[114].

- Education (Article 24)

LFS data show that in 2002 63 % of the considerably restricted individuals between the ages of 16 and 19 participated in education or training, compared to 75 % of those who were restricted to some extent, and 83 % of those not restricted[115]. This shows higher prevalence of early school leaving and limited access to education for people with disabilities. At the same time, although lifelong learning is a well-known concept, there is limited availability of services for e.g. people with high support needs[116].

Article 24 of the UNCRPD highlights the importance of an inclusive education system at all levels, including lifelong learning, vocational training and adult education, with particular emphasis on the provision of reasonable accommodation and support to ensure effective participation in the general education system. However, research has shown that the obligations of the UNCRPD at this point are not fulfilled, and that they are unlikely to be complied with in the near future[117]. Possibilities for accessing mainstream education tend to be unavailable for children with severe disabilities[118], and segregation is still widespread all over Europe[119] (e.g. in Germany only 15.7 per cent of all children and adolescents with disabilities attend school together with non-disabled pupils)[120].

- Health (Article 25)

There are strong indications that the health status of people with disabilities is significantly worse than that of the average population, also with regard to non-disability-related health risks[121]. Evidence suggests that limited accessibility to health services and unavailability of treatment can lead to increased health inequalities[122]. Barriers to accessing health services

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[113] European Blind Union (2006) 'The future of access to television for blind and partially sighted people in Europe' [Online].

[114] See the EUD website , http://www.eud.eu/EUD_Sign_Language-i-239.html

[115] See 'Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs', p.12.

[116] See'Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs', p. 46.

[117] See'Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs', p. 5.

[118] 'Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs', p. 73.

[119] 'Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs', p. 74.

[120] See Federal Ministry of Labour and Social Affairs (Germany): 2009 Disability Report.

[121] See e.g. Department of Health and Human Services, Centres for Disease Control and Prevention (US): 'Disability and Health State Charterbook – 2006: Profiles of Health for Adults with Disabilities.

[122] See 'Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs', p. 19.

may be physical constraints, logistical constraints or discriminatory practice. For example, people with disabilities may not be able to reach a doctor's office, or have access to routine treatments[123], or people with severe disabilities living in traditional residential institutions who need hospital treatment may struggle to access the treatment because of logistical difficulties in organising support needed from the institution.

- Habilitation and rehabilitation (Article 26)

Although the majority of Member States have adopted the ILO Convention 159 on vocational rehabilitation and employment of people with disabilities, where disability is defined by 'prospects of securing, retaining and advancing in suitable employment due to impairment', many countries consider rehabilitation to be a medical problem, reducing it to strictly functional rather than social and professional rehabilitation[124]. As an extension of this topic, research has shown that Member State and EU policies need to be better geared towards employers' and employees' needs to foster the idea of reasonable accommodation, for example in providing flexible funding and tailored support services[125], and a need for greater company efforts to re-integrate workers and social responsibility in facilitating reintegration[126].

- Work and employment (Article 27)

Research has shown that the demands of the UNCRPD concerning work and employment are presently not met in most countries, particularly for people with complex needs[127]. On average across the OECD countries, employment rates of people with disabilities are just above 40 %[128].

The 'benefit trap' also poses significant problems for labour market inclusion. In many countries, the conditions attached to receipt of social benefits do not allow for employment, and the tax system creates *de facto* disincentives to participating in the labour market[129].

Access to and retention in work and employment is not only a problem touching people with disabilities directly, but also a challenge in the context of the Lisbon Strategy (as well as its successor Europe 2020) and of the general macroeconomic performance of the EU. Existing research suggests that labour market reintegration of persons with disabilities who are capable of and willing to work could raise employment rates by up to 3.0 percentage points (approx. 2-3.5 million people at EU level). This would contribute significantly to the Europe 2020 goal of raising employment rates to 75 % by 2020. Moreover, low labour market participation is closely related to low participation in the education system. The EU-SILC analysis showed

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[123]   See "Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs", p. 41.
[124]   See European Foundation for the Improvement of Living and Working Conditions (Eurofound) (2003), 'Illness, disability and social inclusion, p. 101.
[125]   See KMU Forschung Austria (2008), 'Providing reasonable accommodation for persons with disabilities in the workplace in the EU – good practices and financing schemes' [Online], p. 3.
[126]   See European Foundation for the Improvement of Living and Working Conditions (Eurofound) (2003), 'Quality of Life in Europe'[Online], p. 129.
[127]   "Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs", . p61.
[128]   See OECD Issues Paper for the High-Level Forum on Sickness, Disability and Work, [Online], p. 11.
[129]   See European Foundation for the Improvement of Living and Working Conditions (Eurofound) (2003), Illness, disability and social inclusion, p. 127.

for example that of the group with only basic schooling, just 20 % of those who were *considerably restricted* were in employment compared with some 62 % who were *not restricted.*

- Adequate standard of living and social protection (Article 28)

Several studies have shown that poverty and income inequalities result from the manifold problems faced by people with disabilities, particularly those related to labour market participation and participation in general education[130]. As a result of income, poverty and health inequalities, people with disabilities are also more likely to suffer from social exclusion and isolation[131].

- Participation in cultural life, recreation, leisure and sport (Article 30)

Access to mainstream leisure activities is still limited for people with disabilities, mainly due to architectural barriers[132]. Many theatres, cinemas and youth clubs are still not barrier-free – even where by law they should be. At the same time there are also organisational and conceptual barriers, where staff are not well prepared to welcome and accommodate people with e.g. high support needs. Research[133] has highlighted limited access to cultural and leisure activities for all age groups.

3.1.2.4. Governance, institutional cooperation and partnership

- Statistics and data collection (Article 31)

State Parties of the UNCRPD commit themselves to collect statistical and research data to identify barriers and develop policy responses. At present, it is apparent that comparable and consistent data are lacking, both at Member State level and at European level. There is a shortage of empirical evidence, and not enough monitoring and evaluation of the needs of people with disabilities and their actual situation[134]. At Member State level, definitions and classification systems do not only vary from one country to another, but also within the same country according to policy objectives, legislation and administrative standards[135]. At European level, the differing definitions of disability have a great impact on the comparability of data.

Most EU-wide data gathering exercises do not disaggregate the data by disability status, with the exception of datasets such as the European Quality of Life Survey, the ad hoc module of the Labour Force Survey in 2002 and the EU-SILC. The lack of statistics and data means that

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[130] See for example Applica, CESEP, and Alphametrics (2007), 'Men and women with disabilities in the EU: statistical analysis of the LFS ad hoc module and the EU-SILC'.

[131] See "Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs", p. 14.

[132] See "Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs", p. 36.

[133] See 'Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs', p. 36.

[134] ANED, 'The implementation of EU social inclusion and social protection strategies in European countries with reference to equality for disabled people [Online], p. 2.

[135] See Applica, CESEP, and European Centre (2007), 'Compilation of disability statistical data coming from the administrative registers of the Member States', p. 4.

there is a weak empirical basis both for the development of national and European policies and for an evaluation of the effectiveness of such policies.

- National implementation and monitoring (Article 33)

National focal points on disability issues are already in place in most governments and a few have formally designated focal points for the UNCRPD. It is likely that functions of the focal points in the sense of the UNCRPD would 'implicitly' be carried out by these existing disability focal points within government. Exceptions are e.g. Slovenia, where formally designated entities have been established as focal points for the Convention, and Spain, where the mandate of existing entities has been officially revised to explicitly include the focal point function[136].

Further, in several countries, disability coordination mechanisms that focus on policy development, promotion of dialogue, awareness-raising etc. and are often housed within ministries of social welfare predate the UNCRPD. However, the effectiveness of these mechanisms is often low due to the narrowness of their legal mandate, lack of resources and limited involvement of persons with disabilities.

Across the European Union, interviews with the main stakeholders have shown that more effective coordination within the EU institutions, and in particular within the different Commission departments dealing with disability-related issues, would be necessary.[137]

Furthermore, the UNCRPD requires involvement and full participation of persons with disabilities and their organisations in the monitoring process.

- Reports by States Parties, Cooperation between States Parties and the Committee, and Conference of States Parties (Articles 35, 37 and 40)

Each state party to the UNCRPD must submit a comprehensive report on measures taken and progress made within two years after the entry into force of the Convention for the state party concerned, and at least every four years thereafter.

At EU level, disability is included in the Open Method of Coordination for Social Protection and Social Inclusion, but it is not yet routinely and effectively reported on in this forum. Furthermore, although the High-Level Group on Disability (set up to coordinate policies and priorities between the EU and national governments, and to share good practice) is generally considered a valuable forum, its impact and responsibility for implementation of the UNCRPD remains limited. The role of DHLG and the SPSI OMC will be crucial for the new strategy, particularly for support by the European Union to Member States in implementing the UNCRPD.

The EU Fundamental Rights Agency will also be called upon to contribute to this task, within the framework of its mandate, by data collection, research and analysis.

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[136] See Thematic study by the Office of the United Nations High Commissioner for Human Rights on the structure and role of national mechanisms for the implementation and monitoring of the Convention on the Rights of Persons with Disabilities.

[137] Mid-term Evaluation of the European Action Plan 2003-2010 on Equal Opportunities for People with Disabilities, p. 167.

The aim of this study was to gather information on the process of implementing the UNCRPD in Europe. The contractor, EFC, identified the following issues:

– The paradigm shift towards treating people with disabilities as full 'subjects' bearing equal rights and deserving equal respect, and not as 'objects' to be managed or pitied has been uneven across the Member States. The obligation to perform a 'screening exercise' of the conformity of legislation to the UNCRPD is largely unfulfilled.

– Only a few Member States have extended the application of the principle of non-discrimination beyond the area of employment. The material scope of the duty to provide reasonable accommodation remains limited and there is a lack of laws addressing inter-sectional and multiple discrimination.

– Monitoring of the implementation of the principle of accessibility, where it is included in legislation, appears to be ineffective. Additional problems are numerous exceptions and the lack of disability-specific training for professionals (e.g. architects and engineers).

– A large number of Member States continue to operate restrictive guardianship laws and policies. Where legislative reforms provide for personal assistants to support people with disabilities in decision-making, the distinction between such assistants and guardians is not clear enough. In many cases there are insufficient safeguards.

– Several national policies are focused on improving institutional care instead of moving residents of such institutions into the community. Where national policies do promote independent living, individualised funding schemes (personal budgets) are frequently absent.

– Key concepts, such as 'discrimination' and 'reasonable accommodation', are inconsistently interpreted by Member States. Neither Directive 2000/78/EC nor many of the Member States explicitly define an unjustified denial of reasonable accommodation as a form of discrimination. Low participation rates in the labour market for persons with disabilities suggest that existing legislation may not be effective in practice.

– In most Member States, while education for persons with special educational needs can take place in ordinary establishments, the option of sending children with disabilities to special educational facilities is permissible and in most cases favoured.

– Provisions to allow participation in voting procedures are not enough to ensure full and effective participation of all persons with disabilities. While polling stations may be largely accessible, ballots and general information about the elections are not provided in alternative formats (e.g. Braille or easy-to-read formats).

– The data and statistics are insufficient for informed policymaking.

– Additionally, the information on governance and reporting systems required by the UNCPRD is inadequate.

The same study made the following recommendations:

–   The UNCRPD ratification process should be used to raise awareness of disability issues. At the same time, the use of reservations, interpretative declarations or 'explanatory memorandums' should be avoided.

–   The EU and Member States should conduct a comprehensive 'screening exercise' of legislation and, if necessary, should modify or abolish existing instruments in order to ensure full compliance with the UNCRPD. In the course of this screening, all stakeholders should be involved and conformity with the social model of disability should be ensured.

–   Appropriate training of public servants, including judiciary staff, should be organised to ensure the application of EU and national law in a manner that is most consistent with the UNCRPD.

–   The provision of reasonable accommodation should be extended to all areas of social, political, civil and economic life covered by the prohibition of discrimination. Legislation should make clear that unjustified denial of reasonable accommodation is a form of discrimination.

–   Legislation should cater for the adoption of positive measures required to promote de facto equality of persons with disabilities, in conformity with Article 5(4) UNCRPD.

–   The EU and Member States should cooperate to ensure that the principle of accessibility applies to all policy sectors (employment, education, transport, ICT, justice, etc.) and that adequate accessibility requirements and standards are established. This should include a clear time frame for achieving conformity, indicating the sanctions in cases of non-compliance, and should be applied in both urban and rural areas.

–   Legislation should be revised to abolish restrictive guardianship laws and policies. Measures should be taken to ensure access to supported decision-making, whereas effective safeguards to ensure that assistants do not abuse their position should be established.

–   Member States should shift their focus from improving institutional care to relocating the residents of such institutions in the community. Community-based services should be adequately funded and sufficiently resourced, and individualised funding schemes should be accessible to *all* persons with disabilities.

–   Legislation and policy should respect the rights of persons with disabilities to be educated in an inclusive education system.

–   The EU and its Member States should ensure that disability-specific data and statistics are appropriate to support policy development and monitoring related to the implementation of the UNCRPD.

3.1.3. *Europe 2020*

The European Union's new strategy for jobs and smart, sustainable and inclusive growth (*Europe 2020)* addresses structural and long-term challenges of the European economies, identified as globalisation, pressure on resources and ageing. To reach the five headline targets — in the fields of employment, research and development, environment, education and poverty reduction — this approach involves mobilising all EU instruments and policies and

coordinated action of the Member States, and seven *'flagship initiatives'* have been formulated to ensure delivery.

People with disabilities are addressed in the flagship initiatives, most prominently in the **'European platform against Poverty'** aiming to boost social inclusion and fighting poverty inter alia through the design and implementation of programmes to promote social innovation for disabled persons and definition and implementation of measures addressing their specific circumstances. Other thematic priorities, such as assessment of adequacy and sustainability of social protection and pension systems, health care systems, income support and access to health care are of utmost importance for people with disabilities and their families. The **'Agenda for new skills and jobs'** aiming to raise employment and activity rates, e.g. through reviewing tax and benefit systems, touches on the issue of the extremely low employment and activity rates of persons with disabilities and the 'benefit trap' partly responsible for this. By focusing on transitions from education to employment and on training the increasing inflow into disability benefits of young people should be counteracted. In this respect also **'Youth on the move'** offers multiple links with the disability strategy by addressing openness and relevance of education systems, promoting entrepreneurship, fostering mobility etc. But also the **'Innovation Union'** and **'Digital Agenda for Europe'** address overlapping issues.

In addition the Commission will mainstream a disability perspective in all flagship initiatives. The targets for employment, education and poverty reduction can only be achieved if the situation of persons with disabilities in Europe is substantially improved.

3.2. Views of the European institutions

Council Resolution (2008/C 75/01) on the situation of persons with disabilities in the European Union[138] invited the Member States and the Commission to begin work on an EU disability strategy to succeed the current European Disability Action Plan 2003-2010. The new strategy should inter alia assess how national actions reflect the commitments entered into by the European Community and the Member States. The Resolution suggests setting national targets.

Council Resolution (10173/10)[139] of 8 June 2010 calls for greater inclusion of people with disabilities and their families in society by mainstreaming disability issues, and by launching initiatives in the areas of education, employment and social affairs, international affairs and development. The Resolution invites the Commission to prepare a new European Disability Strategy building on the values enshrined in the European Treaties, the Europe 2020 Strategy and the UNCRPD.

A first informal ministerial meeting on disability issues was organised by the German Presidency on 11 June 2007. It mandated the Disability High-Level Group to report annually on the progress by the EU and the Member States in implementing the Convention.

A second informal ministerial meeting was organised by the Slovenian Presidency on 22 May 2008. Based on the information provided by the Member States and the discussion held by the High Level Group, it concluded that among the actions of common interest and added European value are: development of consistent and comparable data, targets and indicators; common approaches for the reporting required under the UNCRPD; exchange of good practices (e.g. on accessibility, legal capacity, access to justice, independent living, voting

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[138] See European Union, 'Resolution of the Council of the European Union and the representatives of the Governments of the Member States, meeting within the Council of 17 March 2008 on the situation of persons with disabilities in the European Union'.
[139] Council Resolution (10173/10) of 8 June 2010.

rights); cooperation in the production of accessibility guidelines and standards for products and services.[140]

A third informal ministerial meeting was organised by the Spanish Presidency on 19 May 2010. The Trio presidency committed itself, among other things: to promote and encourage the prompt ratification and full implementation of the UNCRPD; to enhance the role of the Disability High Level Group; to advance the mainstreaming of disability issues with an emphasis on areas such as access to housing, education, vocational guidance and training, transport, information and communication technologies and participation in society; to promote the allocation of adequate funds in the new EU budget to ensure disability policies implementation

The European Parliament, in its resolution of 24 April 2009 on the conclusion of the UNCRPD[141], called on 'the Community and the Member States to incorporate all the provisions of the Convention into law, to take the measures and provide financial means necessary for their application within specific deadlines and to set quantitative objectives for this'. Also, in its resolution of 4 September 2007 on the Single Market Review[142], it stressed the importance of ensuring that all members of the public benefit from the Single Market and pointed out that 'Declaration No 22 annexed to the final act of the Treaty of Amsterdam provides that the institutions of the Community shall take account of the needs of persons with a disability in drawing up measures under Article 95 of the Treaty'. Furthermore it called 'for the continuing development of design standards, with the aim of further improving accessibility for disabled people, the elderly and children; stresses the importance that this process has had in areas such as urban buses, lifts, electrical appliances and information and communications technologies (ICT) in extending the benefits of the Single Market to vulnerable citizens and in creating greater certainty and preventing the creation of barriers to industry in the Union'.

The European Economic and Social Committee has drawn up an exploratory opinion on 'People with disabilities: employment and accessibility by stages for people with disabilities in the EU post-2010 Lisbon Strategy'.[143] The opinion included calls for: a specific section on disability to be included in the Europe 2020 strategy, the Employment Guidelines and the Social Agenda; policies that foster innovation, are based on statistical data and give visibility to people with disabilities in all relevant European and national statistics; eAccessibility legislation to be presented; an intensive action plan on development of accessibility standards and 'design for all'. The EESC also backs the development of a 'European disability card' that would facilitate mutual recognition of rights and cross-border travel for people with disabilities.

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[140] Presidency Conclusions following the second informal ministerial meeting on Disability issues [Online] and European Commission (2009), 'Discrimination in the EU in 2009' Special Eurobarometer Report 317 [Online].

[141] European Parliament resolution of 24 April 2009 on the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto [Online].

[142] European Parliament resolution of 4 September 2007 on the Single Market Review: tackling barriers and inefficiencies through better implementation and enforcement [Online].

[143] Opinion of the European Economic and Social Committee on People with Disabilities: Employment and Accessibility by Stages for People with Disabilities in the EU. [Online].

3.3. Stakeholder consultation

3.3.1. Consultation of Member States (DHLG)

Member State experts have been consulted from the beginning of the strategy formulation process. The Disability High Level Group (DHLG) meeting of 1 and 2 April 2009 included a first exchange of opinions on priorities and objectives. This was followed up by discussions in the meetings of 22 June and 14-15 October 2009. In the meeting of the DHLG held on 23-24 March 2010, the MS were invited to discuss the strategy draft and attempt to reach compromise commitments on MS actions to comply with the UNCRPD. In the meeting of the DHLG held on 9 June 2010, a number of potential actions were discussed.

3.3.2. Consultation of civil society stakeholders

All NGOs co-financed through the PROGRESS programme were invited to put forward their views, as were all participants at the yearly conference of the European Day of Persons with Disabilities. During the customary annual meetings with the NGOs receiving PROGRESS grants, the issues of the new strategy were the main item on the agenda. As a result, many of the main stakeholders submitted their proposals for the strategy in writing.

A consultative workshop with the main stakeholders took place on 5 March 2010. Participants represented civil society, sectoral business and the social partners.

In addition, EDF — the Europe-wide umbrella organisation of disability NGOs, which receives financial support from the European Commission — was consulted in bilateral meetings.

3.3.3. General public consultation

From 4 November 2009 to 4 January 2010, a public online consultation was held on the Commission's central consultation website, Your Voice in Europe. The extensive questionnaire received 336 replies, including 101 on behalf of a wide variety of organisations. Nine targeted responses were received separately. The members of the DHLG were encouraged to respond and to raise awareness about the consultation at national level. The public consultation yielded evidence on the existence and spread of discrimination, as well as priorities in thematic areas and expectations of the main actors in the field of disability.

3.4. Surveys and expert input

3.4.1. Special Eurobarometers on Discrimination

Both the 2006 and 2009 special Eurobarometers focusing on discrimination in the European Union showed that 53 % of respondents across the EU believed that disability-related discrimination was widespread[144].

Discrimination on the basis of disability was in 2006 perceived to be most widespread in Italy (68 %) and France (66 %) and least so in Denmark (32 %). In 2009, discrimination was most

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[144] See European Commission (2007), 'Discrimination in the European Union' Special Eurobarometer 263, p. 48, and European Commission (2009), 'Discrimination in the EU in 2009' Special Eurobarometer Report 317, p. 78.

acutely perceived in France (74 %), followed by Latvia and Hungary (both 64 %). The EU countries where this perception was least common in 2009 were Malta (33 %) and Ireland (35 %). In 2006, Malta and Denmark had the lowest perception of disability-related discrimination, with respectively 34 % and 32 %.

In 2008, 45 % of respondents felt that discrimination on grounds of disability was widespread, with extremes of 21 % in Malta and 61 % in France[145].

According to the results of the 2006 and 2009 Eurobarometers on discrimination, disability is the type of discrimination most widely recognised, yet awareness of the existence of anti-discrimination law in the EU is quite low — around a third of the European public are confident in their knowledge of their rights if they consider themselves victims of discrimination or harassment[146]. At the same time, 91 % of respondents in the 2006 Eurobarometer survey agreed that more money should be spent on eliminating physical barriers for people with disabilities[147] (in 2009, this question was not asked).

3.4.2.   *In 2009, the special Eurobarometer found that close to a third of Europeans felt totally comfortable with the idea of having a disabled person in the highest elected political office in their country. It is interesting to note that managers are much more comfortable than other occupational groups. [148]ANED recommendations on the future disability strategy*

The Academic Network of European Disability Experts (ANED) operates under a service contract with the European Commission and consists of experts, mainly from academic institutions covering the EU Member States and the EFTA countries. The aim of this pan-European academic network is to support policy development by providing data, analysis and independent insight into disability issues in the EU. Experts are responsible for reporting on the situation in their country. A steering board compiles and analyses national reports and provides a European overview.

At the ANED annual meeting in November 2009,[149] the Working Group on the priorities for future law and policy development provided input to the preparation of the new European Disability strategy. The main elements of these recommendations were:

- Using UNCRPD as a reference point in formulating the disability strategy for years 2010 to 2020.
- Ensuring that EU funding is not used to discriminate against disabled people or perpetuate disadvantage
- Enhancing the mainstreaming of disability across relevant EU policies providing a list of key thematic areas

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[145]   See European Commission (2008), Discrimination in the European Union: Perceptions, Experiences and Attitudes. Summary of the Special Eurobarometer 296 [Online] p. 9.

[146]   European Commission (2009), 'Discrimination in the EU in 2009' Special Eurobarometer Report 317, p. 34.

[147]   See European Commission (2007), 'Discrimination in the European Union' Special Eurobarometer 263, p. 13.

[148]   See European Commission (2007), 'Discrimination in the European Union' Special Eurobarometer 263, July 2007, p. 84.

[149]   ANED website
http://www.disability-europe.net/en/home/Home%20seminar%202009EN.jsp?jsEnabled=1

- Using a wide range of EU instruments, such as legislation, funding, awareness-raising, research.

Specific comments referred to using the Open Method of Coordination to promote implementation of the UNCRPD at national level, involving disability organisations in the planning, delivery and monitoring of policies, gathering of statistical data and use of the structural and regional funds.

4. EUROPEAN DISABILITY STRATEGY 2010-2020: OBJECTIVES

4.1. General objectives

Based on the issues and inputs above, the overall objectives of the next European Disability Strategy will be to empower persons with disabilities and to improve their situation notably by means of contributing to compliance with the UNCRPD.

By signing the UNCRPD, the EU and the Member States have committed themselves to complying with its obligations. Those obligations can be divided into two general groups: formal, related to governance issues, and substantive, related to thematic areas (highlighted in section 2). Therefore, the overall design of the new strategy will be defined by the following general objectives:

- Ensure effective governance to implement the UNCRPD;

- Comply with the substantive obligations of the UNCRPD.

4.2. Specific objectives

The two general objectives can be expanded into the following specific objectives:

- Governance issues:

(1) Setting up a proper follow-up framework to comply with procedural obligations of the UNCRPD undertaken by Member States and EU institutions, such as: establishing independent mechanisms to promote, protect and monitor implementation of the UNCRPD; designating focal points for implementation of the UNCRPD; establishing coordination mechanisms to facilitate related action in different sectors and at different levels; complying with reporting obligations.

(2) Significantly improving monitoring and evaluation by: creating conditions for improving the quality and comparability of data; developing relevant indicators and possibly common targets; collecting reliable data and statistics.

- Thematic areas:

Identifying concrete and appropriate actions (legislation, policy, funding, awareness-raising, research, etc.) at EU and national level to comply with all substantive obligations of the UNCRPD undertaken by Member States and EU institutions in areas such as: accessibility, participation, equality, employment, education and training, living standards and social protection, health, and external action. These thematic areas correspond largely to issues covered in the articles of the UNCRPD and have

been selected according to their relevance to existing European policies and where EU instruments allow for action with EU added value. Most of the thematic areas correspond to one or more articles in the UNCRPD with the corresponding scope for action.

- Support activities:

(3)   Identifying cross-cutting support activities, such as: exchange of information; exchange of good practices; experts' dialogue; awareness-raising; research; dialogue with civil society.

5.   EUROPEAN DISABILITY STRATEGY 2010-2020

5.1.   Justification for reinforced action

The EU has a strong mandate from its Member States to improve the situation of persons with disabilities. First, Article 1 of the Charter of Fundamental Rights of the European Union (the Charter)[150] states that 'Human dignity is inviolable. It must be respected and protected.' Secondly, Article 26 of the Charter states that '*the European Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community*', and Article 21 prohibits any discrimination on the basis of disability. Thirdly, the Treaty on the Functioning of the European Union (TFEU) requires the Union to combat discrimination based on disability when defining and implementing its policies and activities (Article 10) and gives it the power to adopt legislation to address such discrimination (Article 19).

The current EU Disability Action Plan runs till the end of 2010. When the UNCRPD enters into force for the EU[151], the Union will have to comply with its obligations to the extent of its competences[152]. Although the date when the UNCRPD will enter into force throughout the EU is not yet known[153], there is a need to set up the necessary coordination and implementation mechanisms that will allow the EU to comply with the obligations stemming from the Convention.

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[150]   According to Article 51, the Charter provisions are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law. The Charter does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined in the Treaties.

[151]   The UNCRPD will enter into force for the EU 30 days after the person designated by the President of the Council deposits, on behalf of the EU, the instrument of formal confirmation with the Secretary-General of the United Nations. The deposition of the instrument of formal confirmation on behalf of the EU is conditioned by the adoption of a Code of Conduct concerning the details of the function of focal point and appropriate arrangements for representation of the EU's position at meetings of the bodies created by the UN Convention (Article 3 and 4 of Council Decision 2010/48/EC concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities).

[152]   Declaration concerning the competence of the European Community with regard to matters governed by the United Nations Convention on the Rights of Persons with Disabilities.

[153]   By July 2010, 15 EU Member States had ratified the UNCRPD.

In the Decision concerning the EU's conclusion of the UNCRPD, the Union declared the extent of its competences with respect to matters governed by the Convention. A number of pieces of secondary legislation were identified and listed to illustrate the extent of the area of EU competence, in particular regarding the fields of accessibility, independent living and social inclusion, work and employment, personal mobility, access to information, statistics and data collection, and international cooperation. All these fields have been covered – to different extents – by the Disability Action Plan 2003-2010.

To enable the EU to comply with the obligations arising from becoming party to the UNCRPD, the European Disability Strategy 2010-2020 will need to continue addressing the issues covered in the declaration of competence. In addition, the EU's adherence to the UNCRPD implies a need for Disability 2020 to provide also for certain governance measures, including:

- coordination in relation to UNCRPD reporting activities;

- exchange of information with regard to the Committee on Rights of Persons with Disabilities;

- exchange of information and cooperation between Member States and the Commission with regard to the Conference of States Parties.

Furthermore, the UNCRPD implies a number of obligations for the EU institutions that the European Disability Strategy 2010-2020 will need to address, namely:

- dealing with employment of people with disabilities in the EU institutions;

- ensuring that in the recruitment process people with disabilities have more opportunity to compete with non-disabled candidates;

- improving accessibility of buildings, websites, ICT tools and documents.

However, to achieve compliance with the substantive obligations of the UNCRPD (the second general objective of the strategy) it is clearly necessary to have **ambitious reinforcement** of the current DAP. All of the political and stakeholder input has pointed to the conclusion that additional and stronger measures are needed in the areas where the EU is already active and also in the areas where there has been little EU activity.

A set of actions to ambitiously reinforce the present activities is presented in a Commission Staff Working Document accompanying the Communication on the European Disability Strategy 2010-2020. It covers eight main thematic areas as well as four horizontal areas.

5.2. Expected impact

Ambitious reinforcement of the current EU disability policy, including through the proposed strategy for the period 2010-2020, is expected to have a substantial positive impact in terms of fulfilling the obligations undertaken by signing and concluding the UNCRPD and to improve the social and economic situation of persons with disabilities, especially in the areas not served well enough by the current DAP. In view of the progress already made under the latter, the proposed strategy appears to have potential to succeed, as it aims to remain flexible and respect the traditions of the Member States. Given that the policy objectives of a new EU

disability strategy require a significant amount of coordinated action by the Member States as well as coordination with the European Union, the actions proposed in the annex are proportionate to the challenge without going beyond what is necessary, while respecting the principle of subsidiarity. Furthermore, other vulnerable groups in society, such as older persons, will benefit from the measures proposed under the strategy, and it will be sufficiently flexible to accommodate input from diverse stakeholders, such as industry and consumers.

5.3.   Monitoring and evaluation of the European Disability Strategy 2010-2020

5.3.1.   Observing the requirements of the UNCRPD

The UNCRPD requires each party to submit to the Committee on the Rights of Persons with Disabilities a comprehensive report on measures taken to give effect to its obligations under the Convention and on progress made in that regard. This report has to be submitted within two years after the entry into force of the Convention for the party and thereafter at least every four years and further whenever the Committee so requests. During its second session the Committee on the Rights of Persons with Disabilities prepared guidelines to be used as a tool to facilitate reporting on implementation of the UNCRPD[154]. When the Convention enters into force for the EU, all of its institutions and bodies will have to evaluate their compliance with the UNCRPD, referring to the said guidelines. The self assessment and subsequent EU report must have regard to Articles of the Convention under Union competence, in particular as defined in the declaration attached as Annex II to Council Decision 2010/48/EC concerning the conclusion of the UNCRPD by the EU. Pursuant to Article 3 of the Decision, the European Commission was designated to be a focal point. Certain aspects of monitoring and reporting will be detailed in a Code of Conduct, which is currently under discussion.

The general principles for monitoring and evaluating the strategy will be linked to those for monitoring the UNCRPD. These principles are presented in a study entitled 'Monitoring the Implementation of the UN Convention on the Rights of Persons with Disabilities in Europe: Principles for the Identification and Use of Indicators'[155]. The study provides a number of recommendations with regard to monitoring the UNCRPD, which are also of use for this strategy. It notes, for example, that 'appropriate indicators of outcome should allow for comparisons over time, between disabled and non-disabled people (between different groups of disabled people), and between countries', and that there is a need for a combination of simple statistical indicators and qualitative ones. The study also stresses the need to focus on 'long-term' impairments, as well as intersectionality (e.g. of impairment with age, gender, ethnicity, religion, and sexual orientation)[156].

5.3.2.   The strategy and the policy cycle

Monitoring and evaluation arrangements will be designed to facilitate better decision-making by feeding into the policy cycle. In implementing the strategy, the Commission will periodically need to (re)examine operational objectives and related actions.

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[154]   Guidelines on treaty-specific document to be submitted by states parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities (Note by UN Secretary General) [Online].

[155]   See Academic Network of European Disability Experts (ANED) (2009), 'Monitoring the Implementation of the UN Convention on the Rights of Persons with Disabilities in Europe: Principles for the Identification and Use of Indicators'.

[156]   (ANED) (2009), 'Monitoring the Implementation of the UN Convention on the Rights of Persons with Disabilities in Europe: Principles for the Identification and Use of Indicators, p. 36.

Progress and any necessary revision should be discussed with stakeholders – e.g. in the Disability High Level Group. In line with the UNCRPD, persons with disabilities and their representative organisations will be involved.

5.3.3. *Reporting on progress*

The reporting process of the European Disability Strategy 2010-2020 will follow the reporting requirements of the UNCRPD, where each state party must submit a comprehensive report on measures taken and progress made, first within two years after the entry into force of the Convention, and at least every four years thereafter.

The Commission will base its reports on both its own monitoring arrangements (improving efforts for collection of statistics and collection of qualitative data and analysis through a network of European disability experts) and reports of the Member States party to the UNCRPD. Any relevant evaluation exercises in respect of specific actions will feed into the monitoring and evaluation framework of the strategy.

The Commission will also establish a web-based tool giving an overview of the practical measures and legislation being used by MS and the EU to implement the Convention. A detailed description of the tool and the plans for implementation is included in Annex 2.

Finally the Commission aims to develop in the coming years, depending on the availability of data, a framework of output and outcome indicators for the disability strategy policy evaluation. A serious effort will be made to assess the causality between outputs and outcomes as far as possible so as to make recommendations on the effectiveness of the activities. In particular, three potential indicators linking to key targets of Europe 2020 in the areas of employment, poverty reduction and education have been identified as priorities for development.

1. Background to the public consultation

On 4 November 2009 the Commission launched a two-month online public consultation called "Public consultation on the preparation of a new EU Disability Strategy 2010-2020". The aim of the consultation was to provide the possibility to different stakeholders (organisations, public authorities, individuals including persons with disabilities and their organisations, enterprises) from all Member States to give their opinion on the problems that persons with disabilities face in Europe and the ways to solve them. The consultation was also designed to give feedback on priorities and challenges for the future of the European disability policy and the forthcoming strategy 2010-2020.

The new disability strategy is needed to address new challenges and opportunities since the launching of the European Disability Action plan in 2003:

- obligations taken by the EU and the Member States by signing and ratifying the UN Convention on the Rights of Persons with Disabilities,

- increase in differences in the situation of persons with disabilities across the EU connected to the accession of twelve Member States in 2004 and 2007,

- the current demographic trends and the situation of the economy.

The consultation focuses on issues at European level. However, many areas of vital interest to persons with disabilities, such as content and structure of education, the norms for built environment and public spaces, leisure issues as well as social assistance are mainly in the competence of the Member States. Often they are dealt with by the local authorities. Therefore the public consultation also addressed the question of appropriate actors for each thematic area as well as questions of governance. I

2. Questionnaire

The questions were divided into 6 groups:

1) Profile of the respondents;

2) What should the new EU disability strategy cover;

3) Ten thematic areas (Accessibility; Employment; Education; Healthcare; Free movement; Independent living; Participation in democratic and public life; Participation in cultural life; recreation; leisure and sport; Adequate standards of living and social protection; Freedom and dignity);

4) Governance issues;

5) The role of the European Union

6) Any other remarks

Depending on a concrete question, the respondents were asked to evaluate on a 5-point scale (with a neutral position in the middle) the usefulness of a selection of activities; the relevance of different actors in addressing the issues or the importance of the different problems.

3. Statistics and profile of the respondents

In the period 4 November 2009 until 4 January 2010 a total of 336 responses were received to the online consultation. Given the effort needed to reply to a questionnaire with a large number of questions, the participation is a positive indicator of a public interest in the area.

70% of the responses came from individual persons not representing any type of organisation or public body, 30% of the responses were on behalf of different organisations.

The individual respondents were in the following age groups: 8% up to 24 years; 55% 25-49 years; 32% 50-64 years and 3% 65 or older. 57% of the respondents were female and 43% male.

The most common countries of origin were: Germany and UK (23%), followed by Belgium (7%), France, Ireland and Italy (5% each).

49% of the individual query participants were persons with disabilities, further 16% of the respondents were family members or non-paid careers for persons with disabilities and 8% take care of persons with disabilities as a paid job.

9 responses from organisations were received separately, in a format chosen by the sender.

4. What should the new EU disability strategy cover

This section of the questionnaire yielded strong evidence of perception of discrimination.

79% of respondents agreed or strongly agreed that persons with disabilities face discrimination in their everyday activities because of their disabilities. 44% of individual respondents indicated that they had experienced problems because of their disabilities, further 45% had indirect experience, through friends or family.

Responding to questions on the main areas of daily living, the respondents saw every one of them as important or very important for persons with disabilities. For almost 95% of respondents, lack of access to the built environment was an important or very important issue. Just one percentage point behind was the lack of equal opportunities in the job market. 91% saw the lack equal opportunities in education and difficulties in independent living as important or very important issues.

79% of responses confirm that equal access to healthcare is important or very important for persons with disabilities.

The item with the "lowest" importance rating in this section - barriers to free movement – still achieves 68%. These high percentages suggest a need for action in a wide range of areas covering most aspects of life.

5. Thematic areas

In section 11 the main results per thematic area are given in tabular form. In this section the main findings are described per area.

Accessibility

Most favoured tools in the area of accessibility were legislation and measuring. Guidelines and research were the less favoured tools in this area. Greater involvement of persons with disabilities received ratings "very effective or effective" from 78% of respondents. As regards the actors, the respondents saw a clear need for more effort from all established actors. 98% of respondents said that national governments should do "more" or "much more" in the area, for local government and private sector this share was respectively 91% and 88%. For the EU this share was 86%, ahead of NGOs (72%) and "other" (27%). 85% of respondents agreed that harmonising rules and standards for accessible goods and services was important or very important.

Employment

In the area of employment, all measures proposed in the consultation received over 74% of "useful" or "very useful" ratings, with promotion of self-employment and training to job-seekers being the lowest-rated (74% and 77% respectively) and provision of assistive technologies and increasing accessibility of workplaces the highest-rated (88% and 87% respectively). Fighting discrimination and raising awareness were very highly rated, along with making standard technologies and digital content accessible (all 86%). 83% of the respondents considered more and better labour market support services "useful" or "very useful", enforcement of the obligation to make reasonable accommodation at the workplace received 82%. 77% of respondents considered dealing with the "benefit trap" useful or very useful.

Education

In the area of education, accessibility of learning materials emerged clearly as the most critical issue with 90% of respondents indicating that action in this area would be useful or very useful. This was closely followed by increasing the accessibility of buildings (89%). At the other end of scale, scholarships and grants for persons with disabilities enjoyed support of 73% of respondents. Awareness-raising to increase social acceptance of persons with disabilities and specific training for teachers on accommodating the persons with disabilities in classroom were seen as useful or very useful by respectively 87% and 86% of respondents. Support for increasing resources to bring students with disabilities into the general and higher education systems was at the 84% level. Finally, mechanism enabling the move from special to general education and adapting adult education and training programmes were supported by respectively 83% and 82% of respondents.

Healthcare

In the area of healthcare, prohibiting discrimination in provision of health insurance emerged as the most supported measure (86% respondents said that it would improve access to healthcare "clearly" or "very much"). Specific training for health professionals followed with 83%. Developing more health services for special needs of persons with disabilities was supported by more than three quarters of respondents. Preventive action to reduce the incidence of disabilities enjoyed lowest popularity, but 64% is still a significant level of support.

Free movement

Free movement is the one area, where the respondents expect more from the European Union than from Member States or local authorities. Highest rating (85% of "clearly" or "very much" in terms of improvement expected) is given to mutual recognition of disability status across the Member States. Harmonisation of criteria used by the Member States to assess the degree of disability is supported by 80% of respondents. Similar disability related benefits and the portability of such benefits were given respectively 77% and 78% of high and very high helpfulness ratings.

Independent living

In the area of independent living, avoiding placement in residential institutions was at the top of the respondents' agenda. Out of the measures to avoid this, 90% approval rating was given to measures directed at increasing provision of community-based services and increasing access to assistive technologies that can support the disabled to live independently. Supporting families and other informal carers enjoyed 80% level of support. On the other hand, planning for closing down the existing residential institutions received relatively little support – only 49% of respondents felt that it would "clearly" or "very much" improve the ability of persons with disabilities to live independently. Awareness-raising received 85% approval, minimum quality standards for care services was supported by 80%. Provision of personal budgets and retraining the staff from institutions appeared helpful to respectively 75% and 74% of the respondents. In addition to supporting personal budgets and retraining the staff from institutions, some respondents made separate written comments highlighting the central role played in empowerment of persons with disabilities by the provision of personal assistants as well as the need to secure adequate working conditions for the assistants.

Participation in political life

Accessibility was high in the wish-list for the participation in political life: 89% of responses supported making elections and voting (including the related materials) fully accessible. In a separate question, 88% support was given to providing policy-related material in accessible formats. Media action to improve the image of persons with disabilities received 84% ratings "useful" and ""very useful" and financing the disability NGOs 81%.

Recreation and leisure

Accessibility was again highly rated in the area of recreation and leisure: ensuring accessibility of both cultural venues (including monuments and sites) and sports facilities received 92% support. Accessible formats for cultural material and programmes were seen as useful or very useful by 87% of the respondents. Training sports staff and ensuring the funding to address disability issues in sports received the approval of respectively 88% and 84%. Support for the creative activities for persons with disabilities was seen as useful or very useful also by a high proportion of respondents - 80%.

Standards of living

The responses in the thematic area addressing standards of living stand out by their high .convergence levels. 90% approval ratings of compensating for extra costs and burdens caused by disability and expanding job opportunities are not very far from the 82% rating given to measuring the situation of persons with disabilities while gathering data on the most

vulnerable groups. Also, the rating of 86% given to providing adequate disability pensions is very close to 85% for expanding public housing opportunities.

In the area of freedom and dignity, practical tools and actions received relatively more support than legislative measures. Nevertheless, support levels of 81% and 86% for legislative measures concerning respectively decision-making and preventing violence as well as legal monitoring are by no means low. Legislation to ensure the legal capacity of persons with disabilities received the same support as most practical measures – 88%.

Practical measures in decision-making and awareness-raising were supported or strongly supported by 88% of respondents, the most supported measure was developing practical tools to prevent violence against persons with disabilities with 89% support.

6. Governance issues

The public consultation confirmed that assigning clear political responsibility for disability at all governance levels is considered important (or very important) by 92% of responses given. Along the same lines, 83% of respondents favoured identification of a lead office for disability issues.

Developing communication and cooperation mechanisms between different actors (EU, national and local governments, civil society) remains a challenge, but a challenge that must be tackled - 87% of respondents agreed it was important or very important.

Assessing the impact of new policies (in all sectors) on persons with disabilities was important or very important for 87% of respondents. As to how to do this best - 78% of respondents considered establishing indicators and targets to measure improvements in the situation of persons with disabilities important or very important.

7. The role of the European Union

In each thematic section respondents indicated, which actors should be involved to what extent. The choices were European Union, National Government, Regional/local Government, Disability NGOs, Industry and Other. The lowest share of respondents who wanted EU to do more or much more, was evident in the area of recreation and leisure - 74%. At the same time, doing more or much more was favoured by 86% of the respondents in the area of accessibility. High on the list of areas, where the EU should engage more actively, were also: freedom and dignity (86%), free movement (84%), independent living and participation in democratic and public life (both 83%). Even the items lower on the list also enjoyed a high level of support for more EU engagement: 80% for employment and education, 78% for standards of living and 75% in healthcare.

EU should be involved		
more or much more	in the area of	less or much less
86%	Accessibility	2%
86%	Freedom and dignity	2%
84%	Free movement	1%
83%	Independent living	2%
83%	Participation in democratic and public life	2%
80%	Employment	3%
80%	Education	2%

78%	**Standards of living and social protection**	3%
75%	**Healthcare**	2%
74%	**Culture, recreation, leisure, sport**	3%

The table shows that there was very little call for the EU to do less in any of the areas and that the differences in percentages to do more are small between the areas. .

In the special section devoted to the role of the EU, the respondents were asked to rate the suitability of a variety of instruments the EU could use. All proposed instruments received at least 76% of "suitable" or "very suitable" ratings, with targets and indicators being the least favoured and ensuring disability-friendly public purchasing the most supported with 92%. Legislation to harmonise disability-related objectives across Member States enjoyed 79% support, whereas financial support for local projects and research received "suitable" or "very suitable" from respectively 84% and 82% of respondents. Financing NGOs enjoyed the support of 81% of responding organisations and 77% of all respondents. 86% of respondents regarded helping the MS to exchange information and best practice as "suitable" or "very suitable" role for the EU, information campaigns reached 80% level of support.

On a more general level, 75% of respondents considered mainstreaming alone to be insufficient to address the problems faced by the persons with disabilities. 66% of respondents supported addressing disability issues with a combination of mainstreaming and specific policies.

Legislation to harmonise disability-related objectives across Member States enjoyed 79% support; helping the MS to exchange information and best practice seen as "suitable" or "very suitable" by 86% of respondents. Featured in two different sections, targets and indicators were found "suitable" or "very suitable" by 76% or 78% of respondents.

8. The role of the Member States

The lowest share of respondents who wanted MS to do more or much more, was in the area of free movement –, but even there the percentage was still 81%. Accessibility issues received the highest percentage with 93% of responses seeing a need for the MS to do more or much more. Standards of living/social protection and employment as well as independent living (91%), also freedom of dignity (90%) were among the areas, with the highest shares of respondents wanting to see additional effort by the Member States, followed by 89% in education and participation in democratic and public life, 88% in culture and recreation and 87% in healthcare.

	MS should do more or much more
93%	Accessibility
91%	Standards of living and social protection
91%	Employment
91%	Independent living
90%	Freedom and dignity
89%	Education
89%	Participation in democratic and public life
88%	Culture, recreation, leisure, sport
87%	Healthcare
81%	Free movement

Overall, the respondents laid most responsibility for thematic areas with the Member States, followed by the local or regional governments and the European Union but differences are small. In this sense, the table depicting the distribution of the answers in the area of accessibility is rather representative. Main exception was the area of free movement, where the EU is expected to take most responsibility.

Accessibility: who should do more or much more
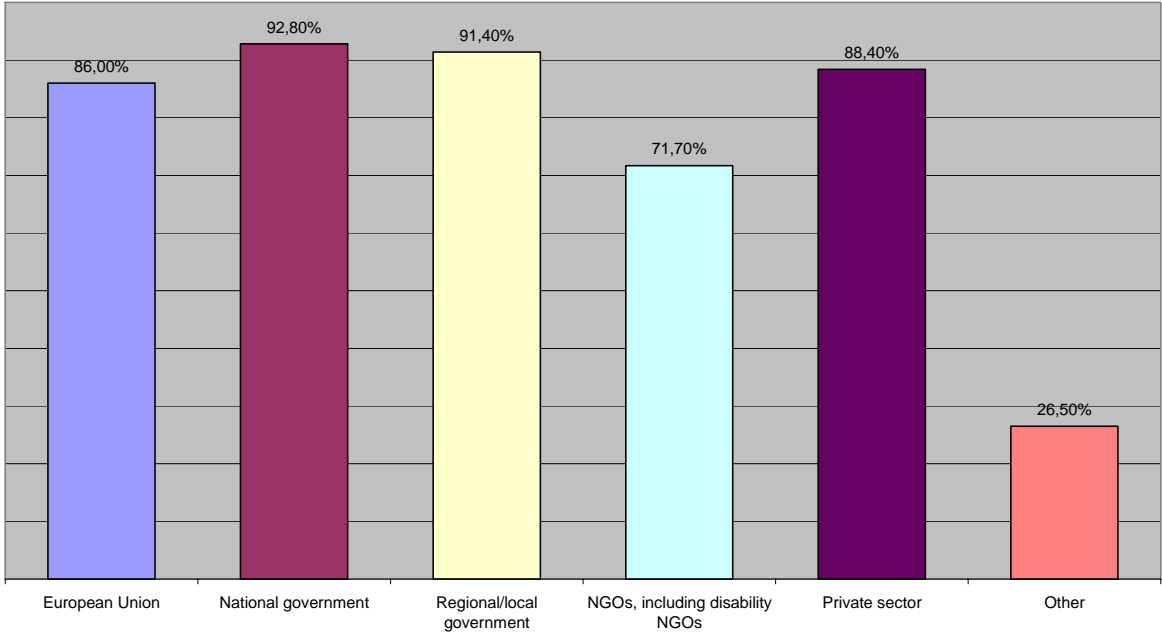
Free movement: who should do more or much more
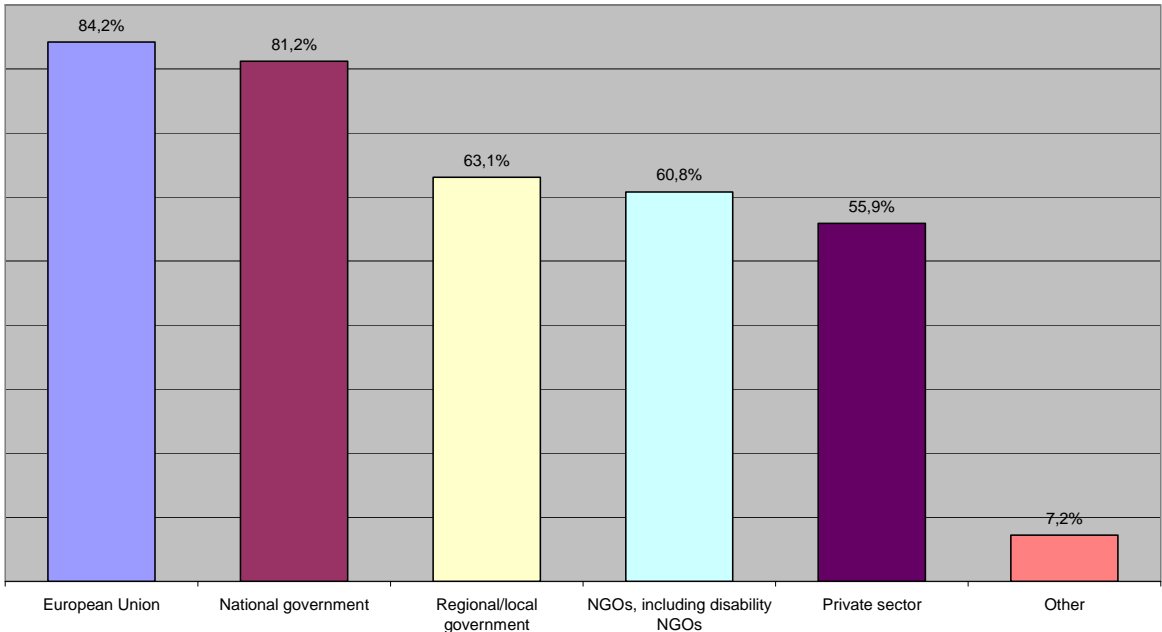
9. Any other remarks

In addition to replying to the questionnaire, several organisations sent detailed proposals, with recommendations for the new Disability Strategy. Many respondents also used the free text field in the questionnaire to add further remarks. Among the suggestions made, some of the most prominent were:

- Providing a comprehensive legal framework which is clear and binding for all involved parties. In particular, a horizontal Directive aimed at achieving equal treatment and non discrimination for persons with disabilities in design, manufacturing and provision of goods and services, was mentioned.

- The implementation of the UN Convention should be stated as priority in the new strategy.

- Development of specific action plans to address particular situations: health inequalities, de-institutionalization, employment of people with disabilities; people with high dependency needs.

- Introduction of the quota system for employing persons with disabilities in the public service in the whole EU as an encouragement for private sector.

- Establishing indicators and targets.

- Mainstreaming of disability in EU programmes for financial support such as the European Structural Funds or in programmes for development cooperation.

- Using public procurement as leverage to achieve the inclusion of accessibility features in the design and manufacturing in the EU.

Among the submissions, there was support for the following actions of the Commission: mainstreaming, particularly in the assessment and evaluation of policy-making as well as research; awareness-raising; more detailed and segmented collection of data.

A specific proposal for a Disability Pact was made by the European Disability Forum. Their document contains comprehensive and detailed recommendations for the EU to remodel its handling of disability issues, including the governance aspects. Several free-form submissions referred to this Pact proposal or reflected its individual recommendations.

11. Tables relating to thematic areas

"effective" or "very effective"	Developing legislation to ensure accessibility of
71%	the built environment
69%	transport
66%	Internet and communication technologies
59%	other goods and services

"effective" or "very effective"	Measuring accessibility of
60%	the built environment
59%	transport

58%	Internet and communication technologies
55%	other goods and services

"effective" or "very effective"	Developing guidelines and standards to promote accessibility of
58%	Internet and communication technologies
57%	transport
55%	the built environment
49%	other goods and services

"effective" or "very effective"	Funding for research on accessibility of
56%	Internet and communication technologies
52%	transport
51%	the built environment
51%	other goods and services

"effective" or "very effective"	Accessibility – other measures
78%	Greater involvement of persons with disabilities in developing accessibility standards
75%	Increasing availability of assistive technologies
75%	Regular checks of accessibility of goods and services
69%	Increasing use of "universal design" or "design for all"
68%	Supporting the development of the assistive devices industry
65%	Providing know-how to support application of the "reasonable accommodation" principle

"useful" or "very useful"	Employment – usefulness to persons with disabilities in seeking employment
88%	Providing assistive technologies
87%	Increasing accessibility of workplaces
86%	Fighting discrimination related to recruitment, employment and career advancement
86%	Raising awareness of the potential of persons with disabilities among employers
86%	Better accessibility of standard technologies and digital content
83%	More and better labour market support services
82%	Enforcing the obligation to make reasonable accommodation for disabled persons at the workplace
77%	Reducing financial risks for persons with disabilities entering or leaving the labour market

77%	Providing training to job-seekers with disabilities
74%	Promoting opportunities for self-employment

"clearly" or "very much"	**Education - expected improvement equal opportunities for Persons with disabilities**
90%	Increasing the availability of accessible learning material, including electronic material and assistive technologies
89%	Increasing the accessibility of educational buildings
88%	Awareness-raising activities in the general education system to increase social acceptance and understanding of the needs of persons with disabilities
86%	Providing specific training for teachers to accommodate students with disabilities in their classrooms
84%	Increasing human and financial resources to bring students with disabilities into the general and higher education system
83%	Facilitating mechanisms for students with disabilities to move from special to general education
82%	Adapting adult education and training programmes to the needs of persons with disabilities
73%	Providing scholarships and grants for persons with disabilities

"clearly" or "very much"	**Healthcare - expected improvement in equal opportunities for persons with disabilities**
86%	Prohibiting discrimination against persons with disabilities in the provision of health insurance
83%	Providing training for health professionals on health needs of persons with disabilities
76%	Developing more health services for special needs of persons with disabilities
64%	Preventive action to reduce the incidence of disabilities

"clearly" or "very much"	**Free movement – degree of helpfulness in ensuring persons with disabilities enjoy the right to free movement**
85%	Mutual recognition of disability status across the Member States
80%	Harmonisation of criteria used by the Member States to assess the degree of disability
78%	Portability of disability-related benefits and services when moving to another Member State
77%	Work towards similar disability related benefits across the Member States

"clearly" or "very much"	**Independent living – expected contribution to increasing the ability of the disabled to live independently**
90%	Avoiding the placement of persons with disabilities in residential institutions by increasing provision of community-based services
90%	Avoiding the placement of persons with disabilities in residential institutions by increasing access to assistive technologies that can support the disabled to live independently
85%	Awareness-raising activities to make the right of people with disabilities to live in the community more socially acceptable
80%	Avoiding the placement of persons with disabilities in residential institutions by supporting families and other informal carers
80%	Setting minimum quality standards for care services
75%	Providing persons with disabilities with personal budgets
74%	Retraining and requalification of staff working in institutions to provide them with skills for community-based care
49%	Developing action plans to close down residential institutions

"useful" or "very useful"	Usefulness in enabling persons with disabilities to participate in democratic and public life
89%	Ensuring that elections and voting, including related material, are fully accessible
88%	Providing policy-related information in accessible formats
84%	Media action to improve the image of persons with disabilities
81%	Providing support to disability NGOs

"useful" or "very useful"	Recreation and leisure - usefulness in enabling persons with disabilities participation
92%	Ensuring that cultural venues and monuments and sites of cultural value are accessible
92%	Ensuring that sports-related facilities are accessible
88%	Ensuring that sports staff concerned are trained in disability issues
87%	Providing cultural material and programmes in accessible formats
84%	Providing funding to address disability issues in sports
80%	Supporting the development of creative activities for persons with disabilities

"useful" or "very useful"	Usefulness in ensuring persons with disabilities enjoy an adequate standard of living and social protection
90%	Compensating for extra costs and burdens caused by disability in everyday life
90%	Expanding job opportunities
86%	Providing adequate disability pensions
85%	Expanding public housing opportunities for persons with disabilities
82%	Measuring the situation of persons with disabilities when gathering data on the groups most vulnerable to poverty

"useful" or "very useful"	Usefulness in guaranteeing freedom and dignity for persons with disabilities
89%	Preventing violence, ill-treatment and abuse of persons with disabilities by developing practical tools e,g, supporting services, training for families and formal carers
88%	Developing legislation to ensure persons with disabilities have full legal capacity
88%	Raising awareness of the situation of persons with disabilities
88%	Supporting people with disabilities in decision-making e,g, in financial transactions and medical treatment options by developing practical tools
86%	Preventing violence, ill-treatment and abuse of persons with disabilities by developing legislation e,g, criminal law
86%	Monitoring relevant legal practice in the Member States
81%	Supporting people with disabilities in decision-making e,g, in financial transactions and medical treatment options by developing legislation

ANNEX 2 – TABLE WITH KEY INSTRUMENTS FOR IMPLEMENTATION OF THE UNCRPD

Objective

The information available shows that persons with disabilities are at a disadvantage when compared with other citizens in terms of access and participation.

There is a need to develop a framework describing the policy and legal situation across the EU in the light of the commitments undertaken for the implementation of the UN Convention. Therefore an on-line table on the European Commission webpage will provide information on policies, practical measures and legal acts that are needed to achieve the effective implementation of the UN Convention. The table will be accompanied by an accessible on-line tool that will permit stakeholders' organisations to comment on the stage of implementation as identified users.

The preliminary list of elements below is not exhaustive but aims to cover the key instruments that are necessary to bring about the needed changes in society to provide the required equal access to the key rights and freedoms mentioned in the Convention.

The table will contain an entry or "cell" for:

– each MS and the EU

– each policy or legal instrument

Each cell will contain a web link to the reference document or to a web page containing the relevant information that describes the instrument and its operation.

A first list of instruments and related links will be collected by ANED (European Academic Network of Disability experts). Members of the Disability High Level Group will be invited to revise those links, where available. The table can be updated regularly and at least once a year a snapshot can be made, for instance to accompany the implementation progress report from the Disability High Level Group for the informal ministerial meeting.

In this way, with relatively little effort and based on already existing information it will be possible to collect much of the information needed to complete the table. In parallel, work on the collection of the key statistics and quantitative indicators will continue.

Preliminary list of instruments

I.   UN Convention status

- Ratification or conclusion of the UN Convention on the Rights of Persons with Disabilities: Setting up governance (focus point, coordination mechanism, independent mechanism, involve civil society in monitoring)

Art. 33 of the UNCRPD and Parts A.3.c & D. Art.33& A.5.3.b of the Guidelines on the treaty-specific document to be submitted to the Committee

- Ratification or Accession to the Optional Protocol

A.12 of the Guidelines on the treaty-specific document to be submitted to the Committee

II.   General Legal Framework

- Antidiscrimination legislation[157]

Art 4.1 and 6 of the UNCRPD and Parts A.2.1, A.4.2., A.5.4., A.5.5., B.4., B.5., B.7., C. - Art.5 of the Guidelines on the treaty-specific document to be submitted to the Committee

- Legislation recognising legal capacity of persons with disabilities

Art 13.1 of the UNCRPD and C. Art.13.1. & Art.13.3. of the Guidelines on the treaty-specific document to be submitted to the Committee

- Legislation to ensure accessibility to voting and elections by Persons with Disabilities

Art 29.a.i and art. 29.a.ii of the UNCRPD[158] and A.5.c. and art.29 of the Guidelines on the treaty-specific document to be submitted to the Committee

- Official recognition of sign language

Art 21.5 of the Guidelines on the treaty-specific document to be submitted to the Committee

III.   Accessibility and Assistive Technology

- Accessibility legislation and standards[159]

    a.   Transport - Art. 9.1 of the UNCRPD.

    b.   Physical environment - Art 9.1.a, 9.2.d, 9.2.e of the UNCRPD

    c.   ICT including the web - Art 9.2.d, Art 9.2.e of the UNCRPD

More details on accessibility instruments can be found in A.3.2.g, A.5.3.c, C.-Art 9, C.Art.21 of the Guidelines on the treaty-specific document to be submitted to the Committee

- Programmes for ensuring availability of Assistive Technologies -

Art 4.g of the UNCRPD and C. - Art.9.1. and Art.26.4. of the Guidelines on the treaty-specific document to be submitted to the Committee

IV.   Instruments for independent living

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[157]   Specific measures or legislation should also ensure that women and children with disabilities are protected from discrimination (Art. 6 of UNCRPD).

[158]   Art. 29.a.i. addresses accessible voting procedures and art.29.a.ii the protection of privacy of the vote

[159]   Accessibility is a cross-cutting principle touching upon several areas of the UNCRPD. As such, accessibility should be promoted in relation to Articles 4.1.a, 4.1.b, 4.1.f, 4.1.g, 4.1.h, 5, 9, 10, 11, 13, 14, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30.

- Programmes and plans for the transition from institutions to community based services: no obligation to live in a particular living arrangement

Art 19a of the UNCRPD and art.19 of the Guidelines on the treaty-specific document to be submitted to the Committee

- Programmes for quality of social services for persons with disabilities

Art.25.e and art. 28 of the UNCRPD[160] and C. - Art.16.2. and art.25.2, 25.3., 25.6, 28.2., 28.3. of the Guidelines on the treaty-specific document to be submitted to the Committee

- Availability of disability pensions

Art 28 of the UNCRPD and C. –Art.28.2 & Art.28.4. of the Guidelines on the treaty-specific document to be submitted to the Committee

V.   Collection of data

- Programmes on research and development on disability matters

Art 4.1.g and C. art. 9.1. and E. Art.31.1. & art.31.3. of the Guidelines on the treaty-specific document to be submitted to the Committee

- Programmes on the collection of statistics

Art 31 of UNCRPD and A.3.h and E. art 31 of the Guidelines on the treaty-specific document to be submitted to the Committee

VI.   Education and employment

- Policy and laws for inclusive education

Art 24 of the UNCRPD[161] and C. Art.24 of the Guidelines on the treaty-specific document to be submitted to the Committee

- Employment support programmes

Art 27 of the UNCRPD[162] and C. Art.27 of the Guidelines on the treaty-specific document to be submitted to the Committee

VII.   Training professionals

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[160] Ensure access of persons with disabilities to adequate health and life insurance (Art 25 e of the UNCRPD) and social protection (Art. 28).

[161] Legislation should be provided to ensure that children with disabilities are not excluded from compulsory primary education or secondary education on the basis of disability and that they receive the required support. Measures to facilitate learning of sign language and/or Braille should also be undertaken.

[162] Legislation should be provided to ensure that children with disabilities are not excluded from compulsory primary education or secondary education on the basis of disability and that they receive the required support. Measures to facilitate learning of sign language and/or Braille should also be undertaken.

- Availability of training programmes on disability and accessibility matters for:

    a.   Lawyers –

Art 13 of the UNCRPD[163] and C. Art 13.2. of the Guidelines on the treaty-specific document to be submitted to the Committee

    b.   Doctors

Art 25.d of the UNCRPD[164] and C. art. 25.5. of the Guidelines on the treaty-specific document to be submitted to the Committee

    c.   Engineers[165]

C. Art 20.4 of the Guidelines of reporting of the UNCRPD

    d.   Teachers

Art 24.4 of the UNCRPD[166] and C. Art-24.8. of the Guidelines on the treaty-specific document to be submitted to the Committee

VIII.   Awareness raising and external development

- Inclusive development aid programmes with clear reference to disability matters

A.8. and C. Art. 11 of the Guidelines on the treaty-specific document to be submitted to the Committee

- Awareness raising programmes

Art. 8 of the UNCRPD[167] and C. – art. 8 of the Guidelines on the treaty-specific document to be submitted to the Committee

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[163]   Measures should be undertaken to insure that increasingly more persons working in the field of administration of justice, police and prison staff are qualified in sign language and/or Braille and are trained on disability and accessibility (Art. 13.2 of the UNCRPD).

[164]   Measures should be undertaken to insure that increasingly more health professionals are qualified in sign language and/or Braille and are trained on disability and accessibility (Art. 25.d of the UNCRPD).

[165]   Encourage production of mobility aids, devices and assistive technologies.

[166]   Measures should be undertaken to insure that increasingly more teachers are qualified in sign language and/or Braille and are trained on disability and accessibility (Art. 25.d of the UNCRPD).

[167]   Art. 8 referring to Launching campaigns for general society within education system and the actions undertaken by the media (TV, internet, radio coverage).

ANNEX 3 – RESULTS OF THE EU DISABILITY ACTION PLAN 2008-2009

PRIORITY ACTION	INSTRUMENTS	ACHIEVEMENTS
1. Fostering accessibility of the labour market		
Exploring flexicurity measures for people with disabilities	Expert exchanges and thematic peer review of practices on flexicurity addressing disabled people, to be carried out through the Disability High Level Group and the Employment Committee.	Two peer review took place during this period: -Peer review on "Vocational rehabilitation and income security for people with work incapacities within the framework of integrated Flexicurity approaches" on 15-16 September 2008 (Mutual Learning programme). -Peer review on "Modernising and activating measures relating to work incapacity" on 4-5 February 2010 (Peer review programme in social protection and social inclusion). The Commission launched a Study on Supported Employment that addresses Flexicurity issues.
Encouraging supported employment and helping corresponding programmes achieve their full potential.	High-level expert exchanges within the new EU Network of Heads of Public Employment Services on accessibility of employment services and matching of labour market needs with those of disabled persons. Commission services discussion paper on supported employment reflecting the guidelines of the European Employment Strategy. This paper will be discussed in the Disability High Level Group and submitted to the EU Employment Committee.	The issue of supported employment was discussed within the Disability High level group with a presentation by the "Union of supported Employment". The Commission prepared a discussion paper on supported employment that was presented and discussed with the Member States in the Disability High level group The Commission supported an expert exchange within the Network of Public Employment Services assistants on 15.10.2008 A European comparative study on Supported employment and Flexicurity is in progress, to be finished early 2011.
Facilitating access to information on reasonable accommodation for people with disabilities in the workplace	Analysis of data, facts and success stories of companies on the basis of a study under the PROGRESS Programme for 2007 with a view to identifying models of good practice and carrying out of a cost benefit analysis (VT/2007/007). Results are expected by the end of 2008.	The execution of the study Providing reasonable accommodation for persons with disabilities in the EU – best practices and financing schemes under call for tender VT/2007/007 was successfully finished.

		The results of the study, including the final report, the compendium of good practices, have been presented in the HLG meeting on 1-2 April 2009 and in US – EU seminar on Employment 5/6 November 2009 and is available in the web.
Providing guidance on the incorporation of social criteria into public procurement	A guide on the incorporation of social criteria into public procurement will be elaborated on the basis of a study.	A guide on the social considerations in public procurement is at an advanced stage of preparation and will soon be published.
Improving the integration of disabled persons in the field of education and youth.	"Lifelong Learning" and "Youth in action" programmes, with a specific priority in 2008/2009 calls for proposals.	In terms of Lifelong Learning policies, the Communication on Efficiency and Equity (*) urges Member States to act upon factors that lead to educational disadvantages (including disability). The recently adopted Communication on School education (**) underscores the need of giving all pupils the competences they need for life, while providing them with high quality education. This involves improving support within mainstream schooling for students with special needs. Achievements in 2010: - funding of the 3-year Inclusion project, run by 13 Lifelong Learning Programme National Agencies, to facilitate access to education and training of people with fewer opportunities, including those with disabilities - Grundtvig specific activities: a specific workshop on disabilities during the Dissemination conference in January 2010 + an NA seminar on how Grundtvig NAs can ease the participation of disadvantaged groups to the programme in June 2010 - The recently created unit, inside Education Directorate A, "Equal Opportunities & Equity", which started operation on June 1st, 2010, represents a significant progress in the implementation of community policy as regards the

		participation of people with disabilities in education and training. . Statistical data and information will become available for the whole year 2010 in the second semester.

As regards the Youth in Action programme and policies, emphasis is constantly brought to the better inclusion of disadvantaged groups, including disabled youth.

* Efficiency and Equity in European education and training systems; COM (2006) 481 final, 8.9.2006

** Improving competences for the 21st century: An agenda for European cooperation on school: COM (2008) 425 final, 2.7.2008

Youth in Action programme - figures 2010 (granted projects decentralised level):

- projects with primary theme "disability: **271** (**8%** of total granted projects)

- projects with secondary theme "disability": **298** (**9%** of total granted projects)

- projects aiming at the inclusion of young disabled and/or directly involving disabled young people:

a) n. of projects **543** (**16%** of total granted projects)

b) n. of participants: **14 690**

c) n. of young people with fewer opportunities involved (disabled + other): **7 620** |
| Using the potential provided by Cohesion Policy's integrated approach and multi-level governance to support the business case of disability and accessibility for disabled persons | Implementation by Member States, regions and the wider partnership under the Convergence, Regional Competitiveness and Employment, and Territorial Cooperation operational programmes negotiated and decided in 2007 on the basis of Council Regulation (EC) 1083/2006, Regulation (EC) 1080/2006 and Regulation (EC) 1081/2006 | Operational Programmes 2007-2013: Increased attention is being paid to improve accessibility for disabled persons.

Some MS have included anti-discrimination clauses in their Operational Programmes (e.g. Poland), other MS have accessibility as a horizontal priority (e.g. Bulgaria, Slovenia and Austria), while other MS have targeted measures for |

		persons with disabilities (e.g. Lithuania, Bulgaria). Member States also aim at a better representation of persons with disabilities at the monitoring committee meetings.
2. Boosting accessibility of mainstream goods, services and infrastructures		
Transport systems and services		
Air transport: enforcing the rights of disabled persons and persons with reduced mobility.	Regulation No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (OJL204/1 26.07.2006)	Periodical meetings and/or exchange of views with National Enforcement Bodies on the enforcement of Regulation No 1107/2006 have taken place. The Commission is monitoring complaint handling and acting on complaints or request for information. By end 2010, the Commission will adopt a package of two communications on passenger rights: 1) a communication on Reg. 261/2004 on long delays and cancellations; 2) **an application report on Reg. 1107/2006 on PRM (passengers with reduced mobility)**
Rail transport: enforcing the rights of disabled persons and persons with reduced mobility.	Regulation on rail passengers' rights and obligations (text agreed by EP and Council, publication pending, entry into force 2 years after publication).	Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations, published in the Official Journal of the European Union L315 of 3.12.2007 eentered into force: 3.12.2009. As of the entry into force all railway undertakings have to ensure equal treatment and non-discrimination against disabled persons and persons with reduced mobility (PRM). The application of the PRM Chapter (assistance to access trains and stations) to domestic services may be postponed by individual MS up to 15 years. During 2009 application was prepared, in particular in view of Member States' possibilities to derogate (regional, urban and suburban services) and/or exempt for up to 15 years all national rail transport from the application of one or more chapters of the regulation. MS/railway undertakings are being advised on how to best apply the

		PRM Chapter.
		Regular National Enforcement Bodies meetings are taking place which include discussions on the implementation of the Regulation with regards persons with reduced mobility including persons with disabilities.
		The Passenger Rights Campaign for Rail and Aviation Passengers has been launched on 29 June 2010. This campaign has a strong focus on the protection of persons with reduced mobility and disabled passengers.
Maritime transport: Establishing the rights of disabled persons and persons with reduced mobility.	Regulation based on articles 71 and 80 of the Treaty	Commission proposal on the rights of passengers when travelling by sea and inland waterway … COM(2008)816 was adopted 4.12.2008
		Council position in first reading on 11 March 2010.
		Opinion of the European Parliament in Second Reading on 5 July 2010.
		Adopted on 11 October 2010; publication is pending.
Bus and coach transport: establishing the rights of disabled persons and persons with reduced mobility.	Regulation based on article 71 of the Treaty	Commission proposal on the rights of passengers in bus and coach transport COM(2008)817 was adopted 4.12.2008
		Council position in first reading on 11 March 2010.
		Opinion of the European Parliament in Second Reading on 5 July 2010.
		Conciliation procedure is expected during second half of 2010-early 2011.
Examining preferential tariff schemes in public transport in Member States.	A study will start in 2008 and results are expected in the second half of 2008.	A study has been launched in 2008. The study has confirmed the need to act with legal proposals in order to hinder commercial discrimination of passengers based on ticket prices and transport conditions which has not yet been subject to EU legislation.
		Commission proposals on maritime and bus passenger rights contain articles against commercial discrimination.
		Regulation (EC) No 1008/2008 of

| | | the European Parliament and of the Council of 24 September 2008 on common rules for the operation of <u>air services</u> in the Community

During 2009/2010 the Commission will examine possible follow-up regarding <u>rail</u> transport where no respective provision exists.

There is no Commission proposal for a <u>common free travel pass for Old Age Pensioners</u> or for a <u>European Senior Pass</u>. The Commission is not aware of specific plans to create such a pass by Member States or by other competent authorities. Any preferential tariffs plan that could be put in place authorities in Member States would have to comply with the principle of non-discrimination on grounds of nationality. |
Users		
Protecting vulnerable users	To develop European Rights of Energy user: it would inter alia address issues relevant for people with disabilities	As a result of new consumer protection measures introduced in the Third Energy Package (Directives 2009/72/EC and 2009/73/EC), an obligation for Member States was introduced to define vulnerable consumers. Member States should take the necessary measures to protect vulnerable customers in the context of the internal market. Such measures may differ according to the particular circumstances in the Member States in question and may include specific measures, or more general measures taken in the social security system. Member States need to develop definitions of vulnerable consumers that may refer to persons with disabilities. However, not all disabled persons should be treated as vulnerable in energy market context (for example, those on high incomes).
Researching the empowerment and security of people with disabilities in access to information (urban accessibility for people with visual impairment or in emergencies; live subtitling for people with hearing impairment or migrants).	Research, user needs analysis, development and demonstration of pilot projects	The results of the VOICE Project on subtitling for people with hearing impairment and new applications for identity controls have been presented to and discussed with associations of people with disabilities, particularly in an international congress in Vancouver in 2008.

		The SESAMONET RFID and GPS based guidance system for visually impaired people has been demonstrated and the technical aspects have been patented by the European Commission.
Researching the empowerment and security of all passengers, including those with disabilities, in access to automatic border control systems.	Research, user needs analysis, development and demonstration of pilot projects	During 2008-2009, the Commission IPSC performed a project that analysed the usability of security technologies in an airport departure process. Follow on research is focusing on the usability of the automatic border control systems. The first results have been presented and discussed with a few Associations of people with disabilities, particularly EURO-CIU European Association of Cochlear Implant Users on April 2010.
ICT		
Increasing support for projects on ICT for ageing and/or disability under the 7th Research Framework Programme 2007-2013.	Disability-related research projects launched through regular calls for proposals.	Call 4 of research under Framework programme 7 in the Information Society programme includes an objective on accessibility, and another related objective on ICT for ageing.

Work Programme 2011-12 of research framework programme/ priority 'cooperation, ICT ' includes an objective on ageing and another on inclusion/ accessibility .

New "Ambient Assisted Living" European research programme (on ICT for ageing) is on going and is also relevant to disability. The programme has its 3rd call for proposals in 2010

Calls 2 and 3 of the CIP-ICT Policy Support Programme include actions on e-accessibility and ICT for ageing. Call 4 of the CIP-ICT Policy Support Programme in 2010 includes actions on e-accessibility |
| Reform of the EU Regulatory package governing electronic communications (in particular articles 7 and 23a of the Universal Service Directive-USD); | Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending 2002/22/EC on universal service and user's rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the | The reformed directives were adopted end 2009 and should be transposed by MS by 25 may 2011.

The changes introduced will improve e-accessibility and promote an inclusive information society by ensuring that disabled users can benefit from the same telecommunications services as the |

	enforcement of consumer protection laws	majority of users.
		The changes strengthen considerably the provisions on disabled users by placing explicit obligation on the MS to take specific measures in favour of disabled and by bringing terminal equipment for users with disabilities within the scope of the USD which should provide better end-to-end solutions (thereby covering a legislative gap that existed so far between the R&TTE Directive and the e-communications framework)
Improving the availability of accessibility standardisation	Follow up and support work on standards harmonising requirement for accessibility in ICT. New proposals under the eEurope Standardisation Action Plan	The plan changed to be called 2009 ICT Standardisation Work programme and contains a chapter on eInclusion that call for accessibility related work. Various standardisation activities relevant for person with disabilities are being financially supported by the Commission.
Executing standardisation mandate 376 on European accessibility requirements for public procurement of products and services in the ICT domain	Standards development	Phase 1 of the mandate has been successfully completed and reports are published in the web of the European standardisation organisations (ESOs). The ESOs have sent a proposal for Phase 2 of the Mandate where the standards will be developed and is currently under evaluation by the Commission.
Policy making: Communication on eInclusion strategy preparing for i2010 initiative in 2008	An eInclusion initiative for 2008 involving industry, users and Member States.	The Commission developed a horizontal approach to e-Accessibility following consultation of all stakeholders (users, business and authorities). This approach aims to support eAccessibility mainstreaming following up the 2005 eAccessibility Communication and to reinforce stakeholder cooperation and to increase awareness A communication "Towards an accessible information society" /* COM/2008/0804 final was published together with staff working papers adopted in December 2008 Council conclusions on e-accessibility adopted in March 2009 Digital agenda for Europe adopted

		in May 2010; includes actions on e-accessibility and refers to the UN Convention
Working towards a legislative initiative for an accessible, barrier-free information society.	Horizontal approach to legislation on e-Accessibility following consultation of all stakeholders (users, business and authorities).	The Commission has explored in 2008 through studies and an online consultation issues around possible legislation on e-accessibility. It was found that certain conditions where not yet met for new European legislation, notably the need to not interfere with relevant legislation already proposed but not yet approved (on electronic communications), the fact that key reference standards are not yet ready, and that there is not sufficient political consensus. The Commission adopted a communication on e-accessibility in December 2008 providing suggestions for future progress on e-accessibility, without excluding the possibility of legislation in future. Ongoing impact assessment on future options for EU policy on web accessibility
PUBLIC BUILT ENVIRONEMENT		
Fostering accessibility to the built environment	EU standardisation mandate investigating possible standards for accessibility requirements for the built environment suitable for public procurement in agreement with the Public Procurement Directives.	The Commission issued a Mandate to the ESOs in January 2008. The Mandate was accepted and the secretariat will be done by AENOR. A contract has been signed by the Commission with the European Standardisation organisations to provide financial support to execute the Mandate that started in 2010.
BUSINESS CASE		
Using the potential provided by Cohesion Policy's integrated approach and multi-level governance to support the business case for disability and accessibility for disabled persons	Implementation by Member States, regions and the wider partnership under the Convergence, Regional Competitiveness and Employment, and Territorial Cooperation operational programmes negotiated and decided in 2007 on the basis of Council Regulation (EC) 1083/2006, Regulation (EC) 1080/2006 and Regulation (EC) 1081/2006	Operational Programmes 2007-2013: Increased attention is being paid to improve accessibility for disabled persons. Some MS have included anti-discrimination clauses in their OPs (e.g. Poland), other MS have accessibility as a horizontal priority (e.g. Bulgaria, Slovenia and Austria), while other MS have targeted measures for persons with disabilities (e.g. Lithuania, Bulgaria).

		MS also aim at a better representation of persons with disabilities at the monitoring committee meetings.

3. Consolidating the EU's analytical capacity		
Measuring health and disability in Europe	First round of European Health Interview Survey (EHIS). It contains 4 survey modules with questions referring to background variables, health care, health determinants and health status. The latter module includes questions on functional limitations. Continuation of data collection and calculation of the structural indicators for disability-free life expectations (DFLE) / healthy life expectations (HLY) via the Statistics on Income and Living Condition (SILC) survey.	• A number of MS have started the European Health Interview Survey EHIS implementation; EHIS data files expected during 2009/2010 • First EHIS results (dissemination) expected end 2010/2011 • Further harmonisation of the SILC questions on health that includes disability relevance (2008 reference year) 2010: validation of the data files received from some Member States
Measuring the social integration in society of people with disabilities	Implementation of survey module on European Disability and Social Integration (EDSIM), including variables not only on functional limitations but also on participation and environmental factors.	• June 2008: the project launched by ESTAT on designing the European Disability and Social Integration EDSIM was completed • December 2008: ESTAT signed the grant agreement with 10 countries for translating and testing the EDSIM. The outputs we received by the end of 2009 • January 2010: start of the ESTAT project on the analysis of the EDSIM translations and tests and on the revision of the EDSIM module • January 2010: set up of a Task Force on disability statistics working towards streamlining the EU social surveys covering disability issues including EDSIM.
Preparing the legal basis for EHIS following adoption by the European Parliament and Council of the Regulation on Community Statistics on Public Health and Safety at Work.	Discussion with Member States to prepare the draft of a specific implementation regulation on health status and determinants, including disability issues.	• Regulation (EC) No 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work was adopted 16 of December 2008 and published in the Official Journal of the EU 31.12.2008

		The next step is preparing an implementing regulation for EHIS. Details of data collection and its schedule to be discussed with the HIS experts in 2010
Developing indicators and data on eAccessibility	Benchmarking and various studies on ICT for ageing and/or disability to be pursued or launched: Measuring eAccessibility in Europe, SeniorWatch2, assistive technology industry, eAccessibility legislation, etc.	3 studies launched in 2010: monitoring e-accessibility; economics of e-accessibility; assistive technologies Call for proposals will be launched for a study on future challenges of e-accessibility
Reviewing the literature regarding the social situation of informal caregivers and care receivers in the EU. Among other things, the review will address the situation of people with disabilities and that of their carers.	A study will be launched to collect information and good practices in the Member States and analyse the implications at EU level. The study results are expected to feed into the European policies related to disability and demographic issues	A study called Care Provision within Families and its Socio-Economic Impact on Care Providers was launched in 2007 under reference VT/2007/114 The study has been carried out and published on official EU websites
Launching the European Academic Network on Disability	Operational and financial support through the call for tender launched under the PROGRESS Programme for 2007 (VT/2007/005) with a budget of EUR 500 000 per year from 2007 until 2010.	The Network was launched in January 2008 following a call for proposals. During the first year they produced reports on disability matters related to employment OMC, social inclusion and social protection OMC, sources of statistics, the legal framework and the UN Convention. The Network has continued their work till 2010 producing additional reports that are available in the web http://www.disability-europe.net/?jsEnabled=1
Evaluating the EU Disability Action Plan at mid-term	External evaluation of the results of the Disability Action Plan and corresponding pilot projects.	The evaluation study was launched through a call for tender under the PROGRESS Programme with a budget of EUR 200 000 and was closed in March 2009. Outcome was presented in HLG meeting April 2009. Recommendations of the Evaluation have contributed to draw up EU Disability Strategy 2010-2020 and is published on the Commission web site.
Improving knowledge and analytical competences on rare diseases	A Commission Communication is currently foreseen taking action in the field of rare diseases. A Recommendation and Communication were adopted by the Council and the Commission	The Commission Communication on rare diseases: Europe's Challenges http://ec.europa.eu/health/ph_threats/non_com/rare_10_en.htm was adopted on 11 November 2008 and several conferences under the French Presidency took place. The Recommendation on rare

		diseases was adopted in June 2009: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:151:0007:0010:EN:PDF In May 2010 the Commission support the European Conference on rare diseases http://ec.europa.eu/health/rare_diseases/events/index_en.htm

4. Actions towards full enjoyment of fundamental rights		
Supporting the implementation of the UN Convention through the establishment of a sustainable framework for future presidencies to strengthen the European human rights approach to disability.	Sustained exchange of information and good practises within the EU Disability High Level Group. As a result, the EU Disability High Level Group will issue regular reports on progress made in the implementation of the UN Convention to the annual EU ministerial disability conferences of EU presidencies.	The annual HLG Report on the implementation of the UN Convention was prepared. It can be found at: http://ec.europa.eu/employment_social/index/7003_en.html The Commission organised the annual Presidential conference and Ministerial meeting on disabilities under the Slovenian, and Spanish Presidency. Conclusions were drafted and can be found in the web. Furthermore two Council Resolutions were adopted.
Contributing to the implementation of the provisions of the Convention relating to gender and disability (notably Article 6)	Analysis on the basis of a Commission study launched under the PROGRESS programme 2007 (VT/2007/006). The study assesses the overall situation of women with disabilities in the EU and the specific obstacles confronting them in the light of their human rights and fundamental freedoms under the UN Convention. A report available online: http://ec.europa.eu/social/BlobServlet?docId=4363&langId=en.	The Commission monitored the progress of the study and gave logistical support (hosting the Expert Committee meeting) and technical advice (data sources). Final report has been approved and is available online at . http://ec.europa.eu/social/BlobServlet?docId=4363&langId=en. Study encompasses extensive and useful country profiles and other reference : http://ec.europa.eu/social/BlobServlet?docId=4364&langId=en http://ec.europa.eu/social/BlobServlet?docId=4365&langId=en The results of the study have been used to feed into enlargement discussions, new disability strategy and new gender strategy. General public and specialists have been able to access the study for their data needs.
Improving the mainstreaming of disability issues in development aid.	Exploration of the possibilities of introducing disability as a cross-cutting issue in aid. Revised EC Guidance Note on Disability	A Study on Disability in EC Development Cooperation has been launched by DG AIDCO, in close coordination with DEV, RELEX and EMPL. This study will

Examining if adjustments are needed in the relevant Community development cooperation policies or if specific action needs to be taken under Article 32 of the UN Convention relating to international cooperation.	and Development for EU Delegations and Services: htpp://ec.europa.eu/development/body/publications/docs/Disability_en.pdf Dissemination of the results of the Commission pilot project on breaking the cycle of disability and poverty in developing countries, led by the NGO Licht fur die Welt, which will conclude in December 2007: Disability mainstreaming in developing countries: http://www.make-development-inclusive.org/index.php?wid=1024&spk=en	provide a set of recommendations on measures to take in order to comply with Art. 32 of the UNCPRD (on International Cooperation). The study will also provide a proposal for the revision of the EC Guidance Note on Disability and Development for EU Delegations and Services. The study will be finalised by end of 2010. The Commission has disseminated in various events the results of the Pilot Project on "Breaking the cycle of disability and poverty in developing countries" , including to the Network of Disability Contact Persons in EU Delegations (established in 2009). It was decided by DEV top management not to go forward with the staff working paper
Supporting awareness-raising for effective implementation of the Convention at the various levels of governance concerned.	Trans-national project with financial support from the Commission under the PROGRESS programme.	One of the specific items in the HLG Report on implementation of the UN Convention focussed on trainings organised in the MS. Furthermore the Commission has published in 2010 a call for tender Training of legal and policy practitioners on the UN Convention on the Rights of Persons with Disabilities. The launched call for tender VT/2008/001 – Study on challenges and good practices in the implementation of the UN Convention on the Rights of Persons with Disabilities specifically requests the contractor to describe various trainings organised in Member States, explain the targeted groups of such training and the field covered. All the relevant training materials, translated into German, English and French should be also made available online.
Addressing the needs of disabled persons in the European Institutions.	A Commission Communication on diversity policy within the Commission services could be issued. Its disability aspects would elaborate on action to be taken by the Commission as an employer to improve the recruitment and working conditions of people with disabilities in the Institutions including questions related to the accessibility of buildings, as well as support for staff with disabled family members,	A framework contract to carry out the works necessary to make Commission buildings accessible for the disabled people is now in place. Commission Services organised a discussion meeting with all families who have disabled dependents. Over 110 people attended. Topics

	Follow up the implementation of the UN Convention on the rights of persons with disabilities.	discussed included the European schools, the simplification of bureaucratic procedures and succession rights. A self-help group similar to that of the Cancer Support Group was created. An explanatory booklet on the steps to be followed in the event of death of the parents of a disabled child will be published. "In this context the Commission as employer continues to reflect on the obligations emerging from the UN Convention on the Rights of Persons with Disabilities. The actions above contribute to implement the Convention" Within the framework contract, adjustment to existing building are being carried out in order to comply with accessibility standards. Like in 2009, HR C1 will organise a discussion meeting with all families who have disabled dependents. The meeting will take place in the second half of the year. The « Guichet unique» providing information for parents with disabled children is permanently at the disposal of these colleagues. Furthermore, two officials deal with requests for reimbursement of costs linked to a disability on the basis of the guidelines "supplementary aid for disabled". The CPAS (the inter-institutional Joint Committee for Social Affairs) has now been charged by the College of Head of Administration to proceed to a screening of the Institutions legal and procedural framework, in view of ensuring complete compliance with the UN Convention.
Complementing the Community legislative framework of protection against discrimination.	Proposal for a Directive based on art 13 of the Treaty implementing the principle of equal treatment outside employment inter alia on grounds of disability	The Commission adopted on the 2nd of July 2008 a proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation. The scope covers social protection, including social security and healthcare; social advantages; education; access to and supply of goods and other services which are available

		to the public; including housing.
		Article 4 requests the provision by anticipation of the measures necessary to enable persons with disability to have effective non discriminatory access. It also puts the obligation to provide reasonable accommodation in particular cases.
		The draft Directive is being negotiated in the Council working group, which has held several meetings on it since July 2008.
		In April 2009, the EP adopted a resolution which basically endorses the Commission's proposal, while suggesting some amendments
Preparing for the conclusion of the UN Convention on the rights of disabled persons.	Commission Proposal for a Council Decision in early 2008 to allow the European Community to conclude the UN Convention.	On 29 August 2008, the Commission adopted and transmitted to the Council and the European Parliament two proposals (COM (2008) 530 final):
		-Proposal for a Council Decision concerning the conclusion (formal confirmation), by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities; - Proposal for a Council Decision concerning the conclusion (accession), by the European Community, of the Optional Protocol to the United Nations Convention on the Right of Persons with Disabilities.
		The Council adopted the Decisions to conclude the Convention in November 2009. Deposition of the instrument of formal confirmation in the UN is pending approval of a Code of Conduct describing coordination arrangements between the Member States and the Commission.

ANNEX 4 – LIST OF RECENT REFERENCE DOCUMENTS

Documents of European institutions and international organisations

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