EU Disability Policies and their coordination

Inmaculada Placencia Porrero
Deputy Head of Unit
Unit D3 Rights of Persons with Disabilities
European Commission
DG Justice

Inmaculada.placencia-porrero@ec.europa.eu

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DISABILITY POLICY AT EU LEVEL

Disability policies are mainly responsibility of the EU Member States: administration, organisation, provision of social care, social services, healthcare, child care, recognition of disability status, allocation of benefits/pensions …

Why a disability policy at EU level?

People with disabilities have similar concerns throughout the EU: rights, obstacles, discrimination, barriers

EU policies, funding and legislation have an impact on situation of people with disabilities and the potential to improve their situation

EU and UNCPRD
(mixed agreement)

Competences

UNCPRD

27 MS competences

EU

competence

Legal order
&
Conferral of powers

1-Treaties

2-UNCRPD

3-Secondary Legislation

The EU Charter of Fundamental Rights

Does <u>NOT GIVE</u> additional competence to the EU

but

Has to be respected in the implementation of EU law

• Article 21: Discrimination on the grounds of disability shall be prohibited

• Article 26: The 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

UN Convention on the Rights of Persons with Disabilities (UNCRPD)

*"The UN Convention constitutes a relevant and effective **pillar for promoting and protecting the rights of persons with disabilities** within the European Union, to which both the Community and its Member States attach the greatest importance"*

UN Convention on the Rights of Persons with Disabilities (UNCRPD)

Human Rights approach to disability => Paradigm shift

"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"

(Article 1 UN CRPD)

The EU and the UNCRPD

- 30 March 2007: the European Community **signs** the UN Convention
- 26 November 2009: Council Decision on the conclusion (**ratification**) of the Convention by the European Community

  "The UN Convention constitutes a relevant and effective pillar for promoting and protecting the rights of persons with disabilities within the European Union, to which both the Community and its Member States attach the greatest importance"

- **22 January 2011**: **entry into force** for the EU
- All MS signed, 25 have ratified it

EU competence with regard to the UNCRPD

- The rights recognised cover almost all policy fields: accessibility, employment, education, health, independent living, participation in culture and sport, civil rights

- Mixed competences between EU and MS
    - some articles concern only Member States
    - most UNCRPD fields concern matters of shared competence

$\Rightarrow$ the EU cannot act in relation to all UNCPRD areas

$\Rightarrow$ EU and MS together can fulfil the obligations laid down by the UN Convention in a coherent manner

European Disability Strategy 2010-2020

Adopted on 15 November 2010.

Three main documents:

- *Communication on a European Disability Strategy 2010-2020*

- *Initial plan to implement the Strategy: List of Actions 2010-2015*

- *Background Document with facts and figures*

European Disability Strategy 2010-2020

Adopted on 15 November 2010

Objectives:
- To empower people with disabilities to enjoy their full rights
- To Create a barrier-free Europe for all

> It provides a strategic and multiannual framework to facilitate the implementation of the UNCRPD by the EU and support Member States in their implementation

Three main documents:
- Communication on a European Disability Strategy 2010-2020
- List of Actions 2010-2015
- Background Document with facts and figures

Scope

- **EU Areas of competences**
- **EU institutions**

Thematic Actions
- *EU level*
- *Supplement National actions*

Governance
- *Framework required by the UNCRPD (FP, CM, IM)*
- *Strategy: DHLG, ISG, NGOs, EU institutions*

Areas for EU action

- **Accessibility** of goods and services
- **Participation** as equal citizens in Europe and quality community-based services
- **Equality** and combating discrimination
- **Employment** in the open labour market
- Inclusive **education and training**
- **Social protection** to combat poverty and social exclusion
- Equal access to **health** services and related facilities
- **External action** including EU enlargement, neighbourhood and international development programmes

> List of Actions (2010-2015)

8 External Action – Key actions (I)

*– Ensure that the specific needs of persons with disabilities, including those who are disabled as a consequence of natural and man-made disasters, are properly assessed and addressed in the area of **emergency and humanitarian aid** outside the EU*

*– Highlight disability where appropriate as a **human rights issue** in the EU human rights dialogues with third countries, based on the principles of the UNCRPD*

*– Ensure that EU development cooperation reaches persons with disabilities, both through **projects/programmes** specifically targeting persons with disabilities and by improving the mainstreaming of disability concerns*

*– Enhance coherence and complementarity between the EU approach to persons with disabilities and EU assistance to survivors of **landmine and explosive remnants** of war during armed conflict and its aftermath*

*– Support the national **efforts of partner countries** for the signature, ratification and implementation of the **UNCRPD***

*– Support where appropriate the institutional **strengthening of Disabled Peoples' Organisations** in partner countries and organisations dealing with disability and development*

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Tools I

- **Legislation**: anti-discrimination directive
- **Mainstreaming**: ensure that all relevant EU initiatives promote equal opportunities for people with disabilities
- **Cooperation** with Member States (Disability High-Level Group), civil society & Disable People Organisations (DPOs), international bodies (UN, CoE), EU institutions
- **Funding**: to DPOs, Research, Structural Funds
- **Awareness-raising**: Access City Award, For Diversity Against Discrimination Campaign

Tools II

- **Information exchange**: Work Forum, European Day conference

- **Reporting**: to the UN (article 35 UNCRPD), review of the Strategy, Disability High-Level Group report

- **Studies**: supported employment etc.

- **Data collection and monitoring**: indicators on Europe 2020 targets, DOTCOM online tool

- **Governance**: Commission is focal point for the implementation of the UN Convention at EU level, coordination with MS, EU monitoring Framework

- **Training**: within EU institutions (HR matters, ICT) and in the Member States (training of legal practitioners)

Reporting to the UN: art 35 CRPD

Each State Party shall submit to the Committee on the Rights of Persons with Disabilities a report:

o on **measures taken** to give effect to its obligations under the Convention and on the **progress made**
o **two years** after the entry into force of the Convention for that state party

Article 44 CRPD

o Convention open to 'regional integration organizations' for signature and ratification
o Provisions of the Convention will apply to such organizations as States Parties within the limits of their competence

Content of the Report

Focus UNCRPD entry into force for EU January 2011 to 2013 but previous information where relevant

Under each article : relevant measures, legislation, programmes, funding,...

-Introduction to EU legal framework

-Charter of Fundamental Rights

-Internal implementation in EU institutions

-Addressed the declaration of competences but not limited

-Legislation adopted, repealed, amended after the Council Decision for Conclusion

-Case law of the Court of Justice (Dir 2000/78)

-EU level statistics describing rights enjoyments and gaps

Academic Network
of European Disability Experts (ANED)

Annual review of European Union law and policy with reference to disability

- disability-specific and mainstream instruments
- primary and secondary EU legislation
- soft-law instruments (recommendations of the Council, resolutions of the EP, action plans, standardisation mandates, strategies …)

Country Reports

DOTCOM: the Disability Online Tool of the Commission

The international policy context

United nations

The United Nations Convention on the Rights of Persons with Disabilities was adopted in 2006 and came into force in 2008. It establishes a comprehensive framework for the promotion of rights for d... includes 50 A...

The online tool

What information is available?

DOTCOM is constructed from a large database of information about national laws, policies, strategies and initiatives in the Member States of the European Union, its Candidate countries and other associated countries. For each of the 34 countries, and for the EU, it includes summary information on 43 selected policy instruments, organised in eight themes (more than 1,500 records). Each record includes descriptive text and web links to policy documents or sources of further information at the national level. The selection of key instruments has been elaborated from the priorities established in ...e Commission Staff Working Paper accompanying ...e European Disability Strategy (annex 2), in ...cussion with EU Commission staff and the EU ...h Level Group on Disability. The data is compiled ...NED's independent country experts, under the ...ce of the network's Scientific Director, and ...ted periodically. The Commission provides ...r States' with opportunity to validate the ...l level data although the published content ...t necessarily reflect their official views or ...f the EU institutions.

... use the online mapping tool

...e tool is easy to use and offers a range of reporting options. By selecting combinations of countries and instruments (or themes) you can produce different types of reports, examine records in more detail, and export the results in different formats. First, select your country or a group of countries (or 'select all'). Next, select a theme or expand the list to select specific instruments (or

...sets
...ed to realize the
...ple as European citizens and to
...commitment to the UN Convention.
...e Strategy identifies eight broad areas for action and commits to a range of awareness raising, financial support, data collection and implementation

Individual record contains:

- Country
- Theme (e.g. Accessibility)
- Instrument (e.g. a law)
- Description of the instrument
- Web link to the source
- Additional links
- Date of update

Search the database

☐ European Union

Countries

(Select all | Clear all)
☑ ⊞ EU Member States
☐ ⊞ Candidate / Acceding countries
☐ ⊞ Other European countries

Themes

(Select all | Clear all)
☐ ⊞ A. UN Convention status
☐ ⊞ B. General legal framework
☑ ⊞ C. Accessibility
☐ ⊞ D. Independent living
☐ ⊞ E. Education
☐ ⊞ F. Employment
☐ ⊞ G. Statistics and data collection
☐ ⊞ H. Awareness and external action

○ Details list
◉ Matrix view

[Search]

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Useful weblinks

- European Disability Strategy 2010-2020: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:EN:PDF
- Initial plan to implement the Strategy: List of Actions 2010-2015: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010SC1324:EN:NOT
- United Nations Convention on the Rights of Persons with Disabilities: http://www.un.org/disabilities/
- *Council Decision 2010/48/EC (26/11/2009): Conclusion by the European Community of the UN CRPD*

  http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:023:0035:0061:EN:PDF
- Sixth Disability High Level Group Report (2013) on Implementation of the UNCRPD (chapter on disability and development)

http://ec.europa.eu/justice/discrimination/files/dhlg_6th_report_en.pdf
- *Academic Network of European Disability Experts (ANED)* http://www.disability-europe.net/
- *"DOTCOM" – the on-line tool presenting instruments to implement UNCRPD in EU Member States http://www.disability-europe.net/dotcom*