

**Improving the quality of life of people with disabilities in Europe
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“Human Rights for persons with disabilities”

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Within the United Nations a draft Convention has just been proposed to protect the human rights of persons with disabilities. Why was it at all necessary to draft such a special treaty?

Are not people with disabilities covered by the already existing human rights norms? For instance, the right to education, health care, an adequate standard of living, freedom of expression, security against exploitation and protection against discrimination?

Yes, they are protected by these agreed human rights standards – formally and legally. But *in reality* people with disabilities are still discriminated all over Europe and the world as a whole. That is why the standards have to be made more concrete and that is why the Council of Europe Action Plan is so important.

- It still happens that persons with disabilities are denied meaningful education and opportunity to support themselves. It still happens that they are prevented from making choices about their health, well-being and how and where they want to live.
- It still happens that children with disabilities are denied their family and educational rights because ordinary schools are not prepared to meet their needs. So-called special schools are sometimes of lower quality and do not give the skills necessary for the open labour market.
- Job opportunities are still limited due to discriminatory practices and physical barriers at the workplace, at public transport or at home. City planning has still not included the interests of persons in wheel-chair or with intellectual disabilities.
- The treatment of mentally disabled persons is sadly scandalous in some countries. People are even this very day kept in institutions no better than bad prisons.

- People with disabilities are in some cases also denied the right to vote and others may not be given a genuine chance to cast a ballot because election procedures have not been accessible to them all.

So, in reality some fellow human beings do not have equal opportunities and possibility of full participation in society. This does not mean that there has been no progress in recent years. Attitudes have begun to change. The mere facts that a new Convention is being drafted and that we meet here to launch an Action Plan are symptoms of a growing realization of the need to stop discrimination and exclusion.

We do not have to wait for the final adoption of the new Convention. We already have the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities defining standards. At the European level article 15 of the Revised European Social Charter is of great importance. This article emphasises the right of persons with disabilities to independence, social integration and participation in the life of the community.

To ensure this, States parties has pledged to take positive action: to provide education and to promote access to employment, transport, housing and culture. The main purpose of this article is to make clear that states have a responsibility to remove barriers in society preventing people from enjoying their rights.

Protocol 12 to the European Convention contains a general prohibition of discrimination. This Protocol is of particular importance to persons with disabilities. Cases of violations in countries which have ratified can be brought to the European Court on Human Rights.

One good way of jumpstarting the implementation of the Action Plan would therefore be to ratify the Revised Social Charter and Protocol No 12 – all member states have not yet done so.

A good law is the backbone of all human rights enforcement. However, even the best legislation may not be sufficient. I had a meeting on Tuesday night with nongovernmental organizations here in St Petersburg. One of their messages was that the laws here are good – in fact, excellent – but they have only partly changed reality. Much more remains to be done.

That is, in my assessment, the case all over Europe.

One problem is that *attitudes* tend to change slowly. In societies where people with disabilities long were hidden away in large institutions others have been unsure of how to react to disabilities. In some societies there is still a stigma on persons with disabilities. There the awareness campaigns are particularly important. Hopefully, a policy of inclusive schooling can also eradicate such prejudices.

The language tends also to influence attitudes. If we continue to call persons with disabilities for invalids – people who are “not valid” – there is a most unfortunate message in that.

There is even a difference between “a disabled child” and “a child with disabilities”. In order to emphasise that the child is foremost a child with all the social and emotional needs of every child, we do prefer the term “a child with disabilities” rather than putting the total focus on the impairment.

The main message from the non-governmental organisations working in this field is that the environment should adjust to the individual rather than the individual to the environment. We need ramps for the wheel-chairs and other adjustments to make it possible for people to be active members of society. This is what it means to make society inclusive for all.

The former UN Special Rapporteur on the Standard Rules, Bengt Lindqvist, said the following:

“The blind have never demanded to be able to enjoy Rembrandt’s paintings, since we know that we cannot see them. But we do demand to be able to read the same newspapers as others read, because that is possible. And if we do not get to do that, this would be a huge violation of our rights.”

It is now recognized by most that the old institutions must be closed. Many have indeed been closed. Ideally, everyone should be able to live in a family or family-like environment and go to an ordinary school or workplace. When that is not possible, the institutions should be much smaller than before – and human friendly.

The emphasis on early intervention is important. It is also essential to evaluate the new problems created by this radical change of policy. One such problem was mentioned the other day by the civil society groups: that the burden on single mothers has become too heavy. They have to care for their children with impairments and at the same time try to earn a living for herself and the child.

The non-governmental groups raising such points are admirable. Many of them are built by parents to children with disabilities. They work hard and concretely for the schooling of their children and at the same time advocate improved government programs. We would not go wrong if we listen to them with attention. We would go right if we reduced unnecessary bureaucracy which tends to hinder their work.

To summarize: achieving an inclusive society takes planning and systematic work. Some aspects have proven most essential in that effort:

- High level of political support and allocation of adequate resources.
- A thorough evaluation of existing policies and practises where problematic areas are identified. Here the institution of Ombudsman can be particularly valuable – also on regional level.
- Action-oriented plans and strategies with concrete measures and explanations how these measures will improve the existing situation. These plans should also clearly point out who is responsible for implementation and indicate timeframes and benchmarks.

- Involvement of the all actors concerned is crucial during the process. Both those responsible for implementation at national or local level, people with disabilities and their representative organisations as well as independent national human rights institutions should be invited to participate. This will contribute to the legitimacy, create ownership and make implementation easier and more effective.
- Effective follow-up and evaluation. We need to learn from our mistakes and build on our successes.

In the end this is an ethical issue. A society which gives priority to its most vulnerable members and their rights, that society is a *good society*.