



Strasbourg, 22 April 2016

## ADVISORY COUNCIL ON YOUTH

**Comments of the Advisory Council on Youth (CCJ) and  
the Gender Equality Rapporteur of the Joint Council on Youth (CMJ)  
on the Council of Europe draft Disability Strategy for 2017-2023**

The comments of the Advisory Council on Youth (CCJ) and the Gender Equality Rapporteur of the Joint Council on Youth (CMJ) on the CoE draft Disability Strategy 2017-2013 are provided below. No comments of the European Steering Committee for Youth (CDEJ) were received.

Amended section	Comment/s
1.1. Introduction (addition to the point 3)	<p>The Advisory Council on Youth of the Council of Europe welcomes the emphasis that the rights of persons with disabilities need special attention as many refugees and asylum seekers are persons with disabilities. It is important to recognise that children and young refugees and asylum seekers with disabilities are at a greater risk of sexual and physical abuse, neglect, abandonment, exploitation, health concerns and risk of family separation as well as them being more likely to be excluded from education and accommodation of their access needs.<sup>1</sup></p>
1.2. Council of Europe and Rights of Persons with Disabilities (addition to the full list of Recommendations on disability related issues by Council of Europe organs if applicable)	<ul style="list-style-type: none"> <li>• In 2009, the Committee of Ministers of the Council of Europe adopted the <i>Recommendation CM/Rec(2009)9 on the education and social inclusion of children and young people with autism spectrum disorders</i>.<sup>2</sup></li> <li>• In 2010 The Committee of Ministers adopted the <i>Recommendation CM/Rec(2010)2 on deinstitutionalization and community living of children with disabilities</i>.<sup>3</sup></li> <li>• In 2013, the Committee of Ministers of the Council of Europe adopted the <i>Recommendation CM/Rec(2013)2 on ensuring full inclusion of children and young persons with disabilities into society</i>.<sup>4</sup> Its accompanying Report on social inclusion of children and young people with disabilities was also prepared<sup>5</sup>.</li> <li>• in 2012 the Council of Europe Youth Department’s Consultative Meeting on “<i>Inclusion of Youth with Disabilities in the Youth Activities of the Council of Europe</i>”<sup>6</sup></li> </ul>
2.2. Universal Design and Reasonable Accommodation (addition to points 28 and 29 )	<p>It is suggested that the Draft Strategy recognises and maintains that while a Universal Design approach is the way forward and takes the diverse needs of people into account to a great extent, it should not exclude assistive devices for particular groups of persons with disabilities where this is needed. This clearly establishes assistive technologies as a distinct category which should be promoted in addition to Universal Design.<sup>7</sup></p>

<sup>1</sup> The Women's Refugee Commission, 2013, UNHCR, 2010

<sup>2</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805d046f](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d046f)

<sup>3</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805cfa92](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cfa92)

<sup>4</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805c75de](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805c75de)

<sup>5</sup> Heinen, H. (2013). Social inclusion of children and young people with disabilities.

<sup>6</sup> [https://www.coe.int/t/dg4/youth/Source/Resources/Documents/2012\\_Consultative\\_Meeting\\_Inclusion\\_disabilities.pdf](https://www.coe.int/t/dg4/youth/Source/Resources/Documents/2012_Consultative_Meeting_Inclusion_disabilities.pdf)

<sup>7</sup> Article 2, UNCRPD <http://www.un.org/disabilities/convention/conventionfull.shtml>

<p>2.3. Gender perspective (addition to the point 30)</p>	<p>In addition to disability, gender often plays a prominent role when persons with disabilities experience discrimination and can constitute additional barriers to their participation in the society. Attitudes towards disabled persons also depend on whether the gender of disabled persons is perceived negatively or positively by the society<sup>8</sup>.</p> <p><u>Addition/change to point 30</u></p> <p>Gender equality means an equal visibility, empowerment and participation of <b>all genders</b> in all spheres of public and private life. It requires an active and insistent commitment of all member states and stakeholders, to ensure equal access to rights and resources for all genders.</p> <p>The Advisory Council on Youth is extremely concerned to see that there is an emphasis on “<i>the complementarity of women and men and their diverse roles in society</i>” in the draft strategy text. In many contexts, the discourse of complementarity is employed by conservative forces to maintain traditional gender roles and division of labour between men and women (i.e. women as mothers, house wives responsible for house work and in contrast men as the bread winners, decision makers, leaders etc.). The Advisory Council highly recommends removing the phrase “<i>the complementarity of women and men and their diverse roles in society</i>” altogether from the text and replace it with the concept of gender equality and emphasise the necessity to ensure the equal access to rights and resources for all genders.</p> <p>The Advisory Council on Youth highly recommends the Council of Europe Group of Experts on the Rights of Persons with Disabilities (CAHDPH) considers:</p> <ul style="list-style-type: none"> <li>• addressing the urgent need for commitment of member states and other stakeholders to take comprehensive measures in order to combat and prevent higher rates of gender-based violence, sexual abuse, neglect, maltreatment and exploitation that is experienced by women, girls and LGBTIs with disabilities,</li> <li>• emphasising the need for the empowerment and capacity development of women and girls with disabilities, including leadership and their participation in political, economic and social decision making processes.</li> <li>• emphasising that it is essential to incorporate gender perspective in all aspects of the Council of Europe’s work on disability in order to advance the rights of women with disabilities in the society and strengthen inclusive development.</li> </ul> <p>The Advisory Council on Youth wants to remind that there are disabled individuals who are not identified as man or woman.</p>
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<sup>8</sup> [https://www.coe.int/t/dg4/youth/Source/Resources/Publications/Gender\\_Matters\\_en.pdf](https://www.coe.int/t/dg4/youth/Source/Resources/Publications/Gender_Matters_en.pdf)

	<p>There are many disabled individuals all around the world who are transgender, intersex and not fitting into the binary categories of man and woman. For an inclusive CoE disability strategy, it is extremely important not to neglect the existence of lesbian, gay, bisexual, transsexual and intersex individuals with disabilities and consider the discrimination that they face based on sexual orientation, gender identity, gender expression, or sexual characteristics and develop and implement policies in order to combat these discriminations and fulfil diverse needs of LGBTI individuals with disabilities.</p>
<p>2.3. Gender perspective (addition to the point 31)</p>	<p>Women with disabilities are often face more additional barriers and discriminatory practices in their access to services in society in comparison to men. In order to mitigate these barriers, gender perspectives need to be included in all work and activities within the Council of Europe and at both national and local levels, including in the work of independent monitoring mechanisms, where applicable.</p>
<p>2.4. Multiple discrimination (addition to the point 32)</p>	<p>Young people with disabilities are more likely to face multiple forms of discrimination and/or intersecting forms of oppression.<sup>9</sup> Experiencing discrimination at an early age can affect young persons' mental and physical health and well-being, self-esteem and sense of belonging. It can also marginalise young people (both in their private sphere and in society) which often makes young victims of discrimination feel disempowered and helpless<sup>10</sup> which is likely to impact their future.<sup>11</sup></p>
<p>2.5. Education and training (addition to the point 33)</p>	<p>The Advisory Council of Youth of the Council of Europe considers it a strength that the Draft Strategy document highlights that the right to inclusive education can only be realised in combination with other human rights. The Advisory Council on Youth of the Council of Europe recommends including the use of personal assistance in compliance with Article 19 of UNCRPD and the fundamental principle of full participation shared in both documents (UNCRPD and DAP) in the list of reasonable accommodations. This would not only improve the allocation of resources by increasing tailor made assistance but also promote participation of disabled people in education, which would help remove an important institutional barrier for inclusive education.<sup>12</sup> As persons with disabilities have different individual needs (not only request) it is suggested to promote inclusive education and training for them.</p> <p><u>The recommended change in point 34 is as follows:</u></p> <p><b><i>“The use of personal assistance among the reasonable</i></b></p>

<sup>9</sup> European Youth Forum 2015, p.18.

<sup>10</sup> European Youth Forum, 2015.

<sup>11</sup> Cicognani, E, Zani, B. and Albanesi, C., 2012. Sense of community in adolescence. Global Journal of Community Psychology Practice, 3(4), 119-

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<sup>12</sup> <http://www.ohchr.org/Documents/HRBodies/CRPD/GC/RighttoEducation/TheEuropeanNetworkIndependentLiving-ENIL.doc>

	<p><i>accommodations and universal design as well as various modes, means and formats of <b>accessible</b> communication including sign languages and braille need to be promoted in the field of education.”</i></p>
<p>3.1. Equality and non-discrimination (addition to the point 39)</p>	<p>The Advisory Council on Youth of the Council of Europe would like to highlight the necessity of attaching high importance to the use of terminologies of <i>integration</i> and <i>inclusion</i> in the disability field. These terminologies are not the same. Integration bases on the notion that everyone should fit in the existing environment/settings, without making adaptations to specific needs. Inclusion, however, bases on the notion of individual differences and therefore it is used to encourage people to be different. An inclusive approach values, respects and celebrates people equally and requires a collaborative approach to transform systems and structures to accommodate the needs of everyone.<sup>13</sup> The terminology of inclusion complies with the United Nations Convention on the Rights of Persons with Disabilities, such as Right to Education, Art.24.</p> <p><u>Therefore it is suggested to change the wording from <i>integrate</i> to <i>include</i> at the risk analysis table, at the second row: Risk:</u></p> <p><i>“Education system and labour market fail to engage and <b>integrate include</b> or there is insufficient level of assistance and reasonable accommodation available.”</i></p> <p>As well as in the outcomes: <i>“Increasing amount of educational institutions and places of employment <b>integrate include</b> persons with disabilities and create assistance schemes for them, whenever is needed”</i></p> <p>As persons with disabilities have diverse needs the ways of ensuring their access to <u>information</u> and assistance should demonstrate variety. <u>Therefore it is suggested to include <b>various accessible</b> in the risk analysis table, on the third row: Outcome:</u></p> <p><i>“Persons with disabilities receive information and assistance by <b>various accessible</b> means, modes and formats, such as including sign language and braille on the legal remedies against discrimination on the basis of disability.”</i></p>
<p>3.2. Awareness-raising (addition to the point 41)</p>	<p>The Advisory Council on Youth of the Council of Europe would like to draw attention to Article 1 of the UNCRPD which states <i>“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.”</i></p> <p>Based on this, it is recommended to modify the wording to:</p>

<sup>13</sup> <http://www.allfie.org.uk/pages/articles/issue31.html>

	<p><i>“consequences of impairment”</i> as it reflects purely to the medical model of disability. Understanding of disability and its impact on individuals and society is essential. Disability should be viewed neither as purely medical nor as purely social: persons with disabilities can often experience barriers arising from their health condition.<sup>14</sup> A balanced approach is needed, giving appropriate weight to the different aspects of disability.<sup>15 16</sup></p> <p><u>The suggestion to point 41 are the following:</u></p> <p><i>“Discriminatory behaviour, stigmatisation and its damaging or harmful consequences on persons with disabilities must be countered by accessible and objective information on disabilities and the <b>consequences of impairments impact of disability on individuals and society</b> in order to promote a better understanding of the needs and fulfilment of rights of persons with disabilities in society and their inclusion in all areas of life.”</i></p> <p>Small recommendation is to include <b>“active”</b> actors in order to promote the social model of disability as persons with disabilities are active role players in the society and not passive actors as the medical model states.</p> <p><u>The suggestion would be as follows:</u></p> <p><i>“Promote respect, equality, capabilities and increased active participation, involvement and inclusion of persons with disabilities in media, entertainment and cultural life as <b>active actors and users.</b>”</i></p> <p><u>Awareness-raising – recommendation of ideas Risk analysis – second row: Mitigation actions:</u></p> <p>Awareness-raising trainings on disability aimed at representatives of the media</p>
<p>3.3. Accessibility (addition to the point 47 to include the following recommendations as indicated with blue colour)</p>	<p>Promote accessibility and universal design which should not exclude assistive devices for particular groups of persons with disabilities where this is needed. This clearly establishes assistive technologies as a distinct category which should be promoted in addition to the Universal Design<sup>17</sup>. Information should be shared via the internet and made accessible to persons with disabilities.</p> <p><u>The suggestions to the point are the following:</u></p> <p>“Encourage the various independent Council of Europe monitoring mechanisms to take accessible and <b>user-friendly</b> means, modes and formats of communication, including sign languages, braille and easy to read text, into consideration in their monitoring work as applicable and use these increasingly in their</p>

<sup>14</sup> Thomas C. Female forms: experiencing and understanding disability. Buckingham, Open University Press, 1999.

<sup>15</sup> Shakespeare T. Disability rights and wrongs. London, Routledge, 2006.

<sup>16</sup> Forsyth R et al. Participation of young severely disabled children is influenced by their intrinsic impairments and environment. Developmental Medicine and Child Neurology, 2007,49:345-349. doi:10.1111/j.1469-8749.2007.00345.x PMID:17489807

<sup>17</sup> Article 2, UNCRPD <http://www.un.org/disabilities/convention/conventionfull.shtml>

	<p>publications.”</p> <p>“Promote the use of accessible and <b>user-friendly</b> means, modes and formats of communication, including sign languages braille and easy to read text, in all communications, media releases and internet services of the Council of Europe and at the national and local levels.”</p> <p>“Promote information and protection measures for persons with disabilities, against the harmful side effects of modern media and technologies. This has especially to do with children <b>and young people</b> with disabilities, in accessible means, modes and formats of communication.</p> <p>Accessibility – Risk analysis table <u>Additions to the risk analysis table</u>  <u>Suggestion to re-phrase it as the following in the main row in the risk analysis table</u></p> <p>“Persons with disabilities have access independently to all aspects of society on an equal basis with others and are able to receive and impart information and participate in Medias by using sign languages or braille.”</p> <p><u>The suggestion to the point would be as follows:</u>  <i>“Persons with disabilities can fully participate in all aspects of society on an equal basis with others and have access to information and can fully participate in Medias with the support of various accessible ways of communication, such as including sign languages and braille.”</i></p> <p>It is recommended to re-phrase the sentence “<i>due to their disability</i>” as it purely reflects to the medical model of disability. As it is highlighted in the Word Report on Disability “A person’s environment has a huge impact on the experience and extent of disability. Inaccessible environments create disability by creating barriers to participation and inclusion.” (WHO, Word Report on Disability, 2011, p.4)</p> <p><u>Suggestion to re-phrase it as the following first row –risks:</u></p> <p>“Persons with disabilities have limited or no access to society in general and to information in specific due to their disability.”  <u>The suggestion the point would be the following:</u></p> <p>“Persons with disabilities face barriers to fully participate in society in general and experience obstacles accessing information in specific due to the inaccessible environments creating barriers”</p>
<p>3.4. Equal recognition before the law  (Risk analysis table:  Suggestions for ideas: Second row – Mitigation actions)</p>	<ul style="list-style-type: none"> <li>● To promote including disability law in the curriculum of the law degree programmes at third level education in the Member States of the Council of Europe</li> <li>● To promote including disability awareness-raising training for staff of the police stations/departments</li> </ul>

	<ul style="list-style-type: none"> <li>● To provide awareness-raising training to relevant actors such as including personnel working at court and relevant departments and lawyers</li> <li>● To provide training to the relevant support workers and other relevant actors how to facilitate supported decision-making.</li> </ul>
<p>3.5. Freedom from exploitation, violence and abuse (addition to the point 52 indicated with blue colour)</p>	<p><i>Compared to the general population, persons with disabilities, particularly persons with complex needs, persons living in institutional arrangements and persons at risk of multiple discrimination (especially women, children <b>and young people</b>, elderly persons etc.), face a higher risk of violence and abuse of various types (physical, sexual, financial or psychological). <b>Persons with disabilities and often young people with disabilities are targets</b> to hate crime and bullying, especially on the internet, are also through other forms of exploitation, violence and abuse.</i></p> <p>Provide and promote human rights based and disability related training (for example within the framework of the Council of Europe HELP-programme <b>or provide skills and knowledge to young people through the Youth Department of the Council of Europe, how to recognize and react to exploitation, violence and abuse of persons with disabilities, including young persons with disabilities, that are at a risk of multiple discrimination</b>) to professionals to enable them to recognize and to react to exploitation, violence and abuse of persons with disabilities, including the risk of multiple discrimination.</p> <p><i>“Identify, collect and disseminate any existing good practices aiming at facilitating access of persons with disabilities (including children, <b>young people</b> and persons with complex need) to legal protection and necessary assistance in cases of exploitation, violence and abuse on an equal basis with others and according to their individual needs;”</i></p>
<p>3.5. Freedom of exploitation, violence and abuse (addition to the risk analysis table first row – Risks) (p.14)</p>	<p>The Advisory Council on Youth of the Council of Europe would like to recommend including the risk of children and young people to be exposed to particular risks because they may be placed in institutional settings and or personal care, which often results in being placed in unique situations.<sup>18</sup> They may also be subjected to personal violence in their relationships, homes and communities, which are relatively “ordinary” life experiences.</p> <p><u>Suggestion to re-phrase it as the following</u></p> <p><i>“Violence against persons with disabilities and <b>especially against children and young people with disabilities</b>, including in the institutions or private homes, is not recognised or talked about.”</i></p>

<sup>18</sup> [http://www.coe.int/t/e/social\\_cohesion/soc-sp/Abuse%20E%20in%20color.pdf](http://www.coe.int/t/e/social_cohesion/soc-sp/Abuse%20E%20in%20color.pdf)

<p>addition to the risk analysis table second row – risks (p.8)</p>	<p>The Advisory Council on Youth of the Council of Europe would like to highlight and recommend to include the specific risk as the situation of young people. Disabilities including young women with disabilities who are extremely vulnerable to abuse and exploitation, especially those who find it hard to communicate or express their feelings. Education and access to health services (especially linked to HIV and AIDS) were major problem areas.<sup>19</sup></p> <p><u>Suggestion to re-phrase it as the following</u>  <i>“Claims of exploitation, violence and abuse of persons with disabilities, <b>especially children and young people with disabilities</b> are not taken seriously or understood by family members, professionals or authorities.”</i></p>
<p>4.1. Institutional settings (addition to point 56)</p>	<p><b>Question:</b> Is it possible to list the Youth Department of the Council of Europe?</p>
<p>4.2. Partnership (addition to the point 63)</p>	<p><i>“In many contexts worldwide, most especially in developing countries, young people with disabilities struggle to be heard. Their needs, aspirations and contributions are often overlooked and, as a group, they remain nearly invisible. The policy frameworks of the CRPD (refers to the UNCRPD) [...] empowering young people with disabilities to tackle the multiple and interlocking challenges before them and influence policies and practices to their benefit.”<sup>20</sup></i></p> <p>The Advisory Council on Youth of the Council of Europe is in a unique position under the co-management framework of the Youth Department of the Council of Europe to represent the voice of many young people, including young people with disabilities across Europe. The Advisory Council of Youth aims to mainstream youth in other departments of the Council of Europe in collaboration with the Council of Europe’s Youth Department.</p> <p><u>The Advisory Council on Youth of the Council of Europe encourages to include</u></p> <p><i>“Additionally, the Council of Europe will seek to involve, engage and use the experience and expertise of civil society organisations of and for persons with disabilities, and <b>young people with disabilities if feasible</b> in the development, implementation and assessment of policies, programmes and activities and encourages the member States to do the same at the national and local levels.”</i></p>

<sup>19</sup> <http://www.un.org/esa/socdev/unyin/publications/youth-disabilities.pdf>

<sup>20</sup> UN,2011, p.11 <http://www.un.org/esa/socdev/unyin/publications/youth-disabilities.pdf>

	These will promote mainstreaming disability <sup>21</sup> , inclusion and youth in the work of the Council of Europe.
4.2. Partnership (addition to the point 64)	It is suggested to use the wording <b>Higher Education Institutions</b> instead of <b>Universities</b> , as Higher Education Institutions are the umbrella term to all kinds of institutions at the third education level.
4.3. Communication (addition to the Communication plan )	It is suggested to aim implementing the communication plan in a more accessible way, for it to be accessible to a diverse audience, including persons with disabilities, through various accessible formats, such as sign language, easy to read text or braille, etc.

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<sup>21</sup> Disability mainstreaming can be defined as the systematic integration of the priorities and needs of disabled people in all policies and general measures, from the planning stage, to the implementation, monitoring and evaluation. [http://www.edf-feph.org/Page\\_Generale.asp%3FDocID=12536](http://www.edf-feph.org/Page_Generale.asp%3FDocID=12536)