



EU Disability Policy

2013



DISABILITY POLICY AT EU LEVEL

Disability policies are mainly Member States responsibility: administration, organisation, provision of social care, social services, healthcare, child care

Why a disability policy at EU level?

- *People with disabilities have similar concerns throughout the EU: same rights, same obstacles, same discriminations*
- *EU policies, instruments and legislation impact in many ways on situation of people with disabilities*

LEGAL BASIS

TFEU Article 10 and 19: the EU shall aim to **combat discrimination**

Article 10 => mainstreaming

Article 19 => specific legislation

Other legal bases can be relevant, e.g.

Internal market (Art 114)

Transport (Art. 90-100 TFEU)

State Aid (107-109 TFEU)

Employment (145-150 TFEU)

Social Policy (151, 153 TFEU)

Education (Art. 165 TFEU)

Public health (Art. 168 TFEU)

Approximation of Laws (114 TFEU, high level of protection as a base)

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



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 (all MS + the EU signed the UNCRPD)

The EU and MS, to the extent of their competences, have to comply with the obligations to ensure the rights recognised in the Convention

The Human Rights approach to disability

“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 Convention on the rights of persons with disabilities)

Paradigm shift

"objects" of charity,
medical treatment and social
protection



"subjects" with rights,
capable of claiming those
rights and making decisions
for their lives based on their
free and informed consent
as well as being active
members of society.

EU and 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*

***22 January 2011: entry into force** of the
Convention for the EU*

EU Declaration of Competences

Article 44(1) UNCRPD: a regional integration organisation in its instrument of formal confirmation or accession is to declare the extent of its competence with respect to matters governed by the Convention.

EU Declaration indicates the competences transferred to the Community by the Member States under the Treaty establishing the European Community, in the areas covered by the Convention.

In some matters the European Union has exclusive competence and in other matters competence is shared between the EU and the Member States. The Member States remain competent for all matters in respect of which no competence has been transferred to the EU.

EU exclusive competences: state aids, common custom tariff, its own public administration

EU shared competences: action to combat discrimination on the ground of disability, free movement of goods, persons, services and capital, transport by rail, road, sea and air transport, taxation, internal market, equal pay for male and female workers, Trans-European network policy and statistics.

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*

Main objectives

- Empower people with disabilities to enjoy their full rights
- Create a barrier-free Europe for all
- Comply with the international commitments taken by concluding the UN Convention on the Rights of Persons with Disabilities

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*

Main areas for EU action

Presented in the Communication; provide structure for List of Actions (2010-2015):

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

Mix of tools to achieve the objectives

- **Legislation:** e.g. explore the possibility of a “European Accessibility Act”
- **Mainstreaming:** ensure that all relevant EU initiatives promote equal opportunities for people with disabilities
- **Cooperation** between Member States and civil society
- **Funding**
- **Awareness-raising**
- **Data collection and monitoring**

Background: the online tool

- 1. Defined in Annex 2 of the Commission Staff Working Paper accompanying the Strategy SEC(2010)1323*
- 2. For each country, key instruments to achieve the effective implementation of the UN Convention: a table, displaying policies, practical measures and legal acts*
- 3. With web link to reference document or relevant information*
- 4. Via our main website:**
http://ec.europa.eu/justice/discrimination/disabilities/index_en.htm



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 disabled people. It includes 50 Articles and 11 Protocols.

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 the [Commission Staff Working Paper accompanying the European Disability Strategy](#) (annex 2), in discussion with EU Commission staff and the EU High Level Group on Disability. The data is compiled by ANED's independent country experts, under the guidance of the network's Scientific Director, and updated periodically. The Commission provides Member States' with opportunity to validate the national level data although the published content does not necessarily reflect their official views or those of the EU institutions.

use the online mapping tool

The 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

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

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

The online tool

	34 countries + EU
43 instruments	1,505 records x 9 fields = 13,545 items



European Commission

home themes **DOTCOM** links about us seminar accessibility sitemap

C. Accessibility

C1. Transport accessibility

C2. Built environment accessibility

C3. ICT and Web accessibility

Belgium	On the legislative level a few measures have been taken concerning infrastructure in stations (platforms, entrance zones, needs of persons with a disability and persons with limited mobility) and sanctions are foreseen, so that the rights and... Update date: Wed, 2012-03-28	With the programme 'Metropolitan policy' (GBS) the federal government set contracts with the cities and municipalities of the three regions to realise local projects concerning social cohesion and decrease the ecological footprint and... Update date: Wed, 2012-03-28	'AnySurfer' regrets the fact that there is no law in Belgium which obliges companies and governments to adapt the accessibility of their websites to persons with a disability. There is however the law of May 10, 2007, which... Update date: Wed, 2012-03-28
Bulgaria	Anti-discrimination legislation requires all transport-related agents (government agencies, operators, etc.) to make sure that their services are available to all citizens. In addition, the Law on Integration of Disabled People (LIDP) explicitly... Update date: Wed, 2012-03-28	Since 1995 two laws have required owners/investors to make sure that the built environment, especially public facilities is made accessible for disabled people. The Anti-discrimination Act, passed in 2003, bans discrimination on the grounds of race... Update date: Wed, 2012-03-28	Anti-discrimination legislation requires websites to be accessible for disabled people. There are no specific laws or regulations on the matter passed by Bulgarian authorities. Most of the official websites of the Bulgarian government institutions... Update date: Wed, 2012-03-28
Germany	Section 8 paragraph 2 Disability Equality Act [Gesetz zur Gleichstellung behinderter Menschen – Behindertengleichstellungsgesetz, BGG] stipulates at the national level that public transport has to be accessible. Update date: Wed, 2012-03-28	Section 8 paragraph 1 Disability Equality Act [Gesetz zur Gleichstellung behinderter Menschen – Behindertengleichstellungsgesetz, BGG] stipulates at the national level that public buildings have to be accessible; this obligation applies to new... Update date: Wed, 2012-03-28	Since 2002 public service sectors have been obliged to provide accessible website content. The legal basis is the national Disability Equality Act (section 11 BGG). The Federal High Office and the Federal Ministry for Labour and Social Affairs issue... Update date: Wed, 2012-03-28
Spain	Law 51/2003 of 2 December 2003 on equal opportunities, non-discrimination, and universal accessibility for persons with disabilities, introduces the principle of 'universal accessibility' in law. In Article 7 of Law 51/2003, reasonable accommodation... Update date: Wed, 2012-03-28	Law 51/2003 of 2 December 2003 on equal opportunities, non-discrimination, and universal accessibility for persons with disabilities introduces the principle of 'universal accessibility' in law. In Article 7 of the Law, reasonable accommodation is... Update date: Wed, 2012-03-28	Law 51/2003 does not establish a legal obligation to provide access to information. Art. 12 of the Law provides only that public authorities shall conduct and promote informative activities, awareness campaigns, training actions and any other... Update date: Wed, 2012-03-28

Goto complete text

[Excel export](#)

Search the database

European Union

Countries

(Select all | Clear all)

EU Member States

- Austria
- Belgium
- Bulgaria
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg

Useful weblinks

European Disability Strategy 2010-2020:

<http://ec.europa.eu/social/main.jsp?langId=en&catId=429&newsId=933&furtherNews=yes>

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/>