

Opinion of the European Economic and Social Committee on the '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 final)

(2004/C 110/08)

On 30 October 2003, the European Commission adopted the Communication addressed to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions.

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 4 February 2004. The rapporteur was Mr Cabra de Luna.

At its 406th plenary session on 25/26 February 2004 (meeting of 25 February 2004), the European Economic and Social Committee adopted the following opinion by 116 votes in favour, no votes against and one abstention.

1. Introduction

1.1 The EESC has received with great interest the EC Communication 'Equal opportunities for people with disabilities: A European Action Plan'. The EESC has stressed in many of its reports the need that the success of the European Year of People with Disabilities should be measured by the concrete outcomes it will produce. The Communication provides a good framework for the follow-up to the European Year of People with Disabilities

1.2 Disabled people ⁽¹⁾ constitute 10 % of the population, a percentage that increases with the ageing of our societies. This will mean almost 50 million people in the enlarged European Union. If we add to this figure the relatives of disabled people, it is clear that we are not speaking about a small minority of the population.

1.3 The EESC has continued during this year to increase its focus on disability issues. The drawing-up of an opinion on the United Nations Convention on the Rights of Disabled People ⁽²⁾, the organisation of two seminars devoted to the employment of disabled people and to the evaluation of the European Year, the preparation of a guidance note on mainstreaming of disability in the work of the EESC and the organisation of an exhibition by disabled painters at the EESC headquarters are some examples of this work. The cooperation between the EESC and the European Disability Forum, together with other Organisations, has continued to prove very useful.

1.4 The EESC considers that the European Year of People with Disabilities has contributed to an increased awareness of disabled people in society. The awareness of the need to a rights-based approach to disability has been one of the major goals of the European Year. However, it has to be noted that the different national initiatives for further legislation to protect

disabled people from discrimination are leading to an increase in the gaps among Member States. This increasing gap is not only detrimental to the idea of a social Europe but will also create additional barriers to a real internal market.

1.5 The initiative of the United Nations to promote a thematic Convention on the rights of disabled people has contributed to the recognition of disability as a human rights issue.

1.6 The new European Constitution will incorporate stronger references to disability issues, including a clause which will require mainstreaming of anti discrimination throughout all policy areas. The potential of this new clause requires some further analysis.

1.7 The forthcoming incorporation into the EU Treaty of the EU Charter of Fundamental Rights is very welcome, in particular as Article 21 prohibiting discrimination against, inter alia, people with disabilities, and Article 26 on integration of persons with disabilities, recognise the need for measures designed to ensure their independence, social and occupational integration and participation in the life of the community.

1.8 The new Eurostat figures on employment of disabled people show that 78 % of the severely disabled people in working age are outside of the labour force as compared to 27 % for those without a disability. Within those in the labour force, the unemployment rate is nearly twice as high among severely disabled people compared to non-disabled people. Only 16 % of those who face restrictions at work are provided with some assistance to work ⁽³⁾. The gender breakdown of these statistics shows that the situation is even worse for disabled women.

⁽¹⁾ In view of the new approach to disability which has been promoted through the European Year of People with Disabilities, it might be the right time to revise the terminology used to define disabled people and disability, which in many countries has not evolved and still reflects an outdated approach.

⁽²⁾ OJ C 133 of 6.6.2003.

⁽³⁾ 'Employment of disabled people in Europe in 2002', Population and Social Conditions THEME 3 – 26/2003 Population and Living Conditions, Eurostat, 25.11.2003.

2. Comments and suggestions to the Commission proposal

2.1 The EESC welcomes the fact that the European Year of People with Disabilities has produced a concrete action plan for the period 2004-2010. However, it needs to be stressed that the action plan somehow lacks ambition and the EESC would like therefore to propose some additional elements, to be taken into account, if possible, already in the first phase of the action plan and, if not possible, in the period after 2005.

2.2 A previous EESC opinion⁽⁴⁾ suggested to launch an open method of coordination in disability policies. Therefore, the EESC welcomes the proposal reflected in the EC Communication to produce biennial reports on disability. The EESC considers that these reports should be based on common guidelines in order to allow benchmarking among countries. While employment is obviously a priority of disabled people, other policy areas should also be covered by these reports and the social inclusion and full participation of disabled people in society should be overall guiding principles and objectives. The EESC proposed that the results of these biennial reports should be presented to the Council of Employment and Social Affairs. The involvement of representative disability organisations at national and EU level in this process is considered of vital importance.

2.3 The EESC welcomes the references included in the EC Communication on the capacity building project undertaken by the European Disability Forum in ten accession countries. In order to build on the work undertaken in this project, the EESC would like to see special attention given to disability organisations in the ten acceding countries during a transition period. Targeted measures should allow for these organisations to increase their knowledge and therefore become really active in the implementation of EU policies which favour disabled people. The support to disability organisations from those candidate countries which will not join the EU in May 2004 has to be increased.

2.4 The EESC welcomes the proposal in the EC Communication to prepare a working paper on how to mainstream disability in all of the Employment Guidelines. To complement this, the EESC proposes the establishment of a proper monitoring mechanism to allow the preparation of country specific recommendations to Member States on their inclusion of disability issues. Priority should be given in this respect to the employment of disabled people on the open labour market, including the employment of disabled people by public authorities and bodies as well as special measures to address the employment of disabled people in rural areas. The role of the social partners in this process is of vital importance. In view of the demographic evolution of our societies, the increase of the employment rates of disabled people can have a huge and positive impact also from an economic point of view.

⁽⁴⁾ The integration of disabled people in society, OJ C 241 of 7.10.2002.

2.5 The EESC welcomes the proposal in the EC Communication to use the structural funds to promote the social inclusion of disabled people. This should be done in a two-track approach. On the one hand, disability specific projects should be funded and on the second hand all projects to be funded by Structural Funds have to comply with compulsory accessibility criteria. This two track approach has to be included in the new EU regulation for Structural Funds, which the European Commission plans to present in May 2004. An outcome of the current process of revision of the Structural Funds must be the recognition of disability and disabled people as a key area and target group to be taken into account at a Community level as well as in the Member States, regardless of the new financial perspectives.

2.6 The EESC has been monitoring closely the process to arrive at the new EU directives on public procurement⁽⁵⁾. The potential of public procurement to promote the employment of disabled people, the accessibility of public transport and the built environment, as well as the production of accessible goods and services, is huge. The EESC therefore welcomes the commitment to produce a tool kit to facilitate the inclusion of accessibility requirements for Information and Communication Technologies in public procurement calls and suggests to extend this exercise to other products and services.

2.7 The EESC stresses the negative implications of the non transposition of the 2000/78 EU directive on equal treatment in the workplace in most of the EU Member States. The EESC urges the European Commission to fully use the available tools against those Member States that have not implemented the directive or have not implemented it properly. Additionally, measures need to be undertaken to increase the capacity of disability organisations, social partners and the judiciary system in order to ensure an effective implementation of the directive.

2.8 The EESC has asked in several of its previous opinions⁽⁶⁾ for a disability-specific directive based on Article 13 of the EU Treaty to combat discrimination of disabled people in all areas of life. The EESC is therefore extremely disappointed not to see any reference to this initiative in the EC Communication. While being aware of the current difficulties to launch successfully such an initiative, the EESC would have at least expected an acknowledgement of the need for such an initiative, as well as number of preparatory actions which would have paved the way for such an initiative to be launched.

2.9 The EESC considers that such a directive would ensure a minimum level of protection against discrimination in all areas of life across the European Union. As it would cover the area of access to goods and services, it would also contribute to a more efficient single market.

⁽⁵⁾ Opinion on the Proposal for a Directive of the European Parliament and of the Council on the coordination of procedures for the award of public supply contracts, public service contracts and public work contracts. OJ C 193 of 10.7.2001.

⁽⁶⁾ The integration of disabled people in society, OJ C 241 of 7.10.2002, and Proposal for a Council Decision on the European Year of People with Disabilities 2003 - COM(2001) 271 final - 2001/0116 (CNS), OJ C 36 of 8.2.2002.

2.10 The EESC agrees with the importance of mass media to contribute to a better image of disabled people in society. The EESC would welcome the establishment of a European network on media and disability, which would further contribute to a better portrayal of disabled people in media by, among others, promoting the exchange of good practice among mass media. The example of the UK Broadcasting and Creative Industries Disability Network could serve as a model.

2.11 The EESC welcomes the focus of the EC action plan on accessibility. However, the EESC considers that the proposals made will not properly achieve the objective. An adequate policy framework needs to be established, which will provide financial incentives to companies to make their premises and services accessible. This should be complemented by awareness raising campaigns targeted at companies to show the importance of disabled people as consumers. When needed, this needs to be complemented with binding legislation to make accessibility standards of compulsory compliance.

2.12 The EESC welcomes the report produced by the expert group on access to the built environment and requests the European Commission to put in place all of its recommendations, in particular those related with the Directive 89/106/EEC on Construction Products. The EESC also supports to undertake follow-up action on the study on harmonised criteria for good accessibility of tourist sites⁽⁷⁾. The EESC reminds that proper legislation and proper use of public funds will be key elements of success to promote the objective of accessibility of tourist sites.

2.13 The EESC also welcomes the report on assistive technologies recently presented by the European Commission, and looks forward to the implementation of its recommendations, specially taking into account the single market, as well as the need for Member States to increase transparency as regards products and reimbursement systems.

3. Additional recommendations and commitments

3.1 The EESC has stressed in its previous reports the need to mainstream disability in all policy areas. It therefore welcomes the forthcoming new budget line which will finance a pilot project on mainstreaming of disability actions as a follow-up initiative to the European Year of People with Disabilities. The EESC considers this pilot project as a first step towards a disability specific action programme which will be focused on the mainstreaming of disability in all relevant policy areas.

3.2 The EESC would like to suggest some actions which could be undertaken under this pilot project:

- the preparation of a guideline document on how to mainstream disability in all policy areas which will be at the

⁽⁷⁾ See also EESC report INT/173 'Socially sustainable tourism for everyone', OJ C 32 of 5.2.2004

disposal of policy makers throughout the European Commission, related to the impact assessment methodology;

- the funding of actions to increase the capacity of national disability organisations to be actively involved in the preparation of the National Action Plans on Employment and Social Inclusion;
- the establishment of statistical indicators to measure the real impact of mainstreaming;
- the funding of actions to exchange information on best practice of mainstreaming of disability at national level;
- in all the measures to be financed under this pilot project, special attention should be given to disabled people from the acceding Member States;
- the funding of a European network on media and disability.

3.3 The EESC looks forward to the forthcoming Green Paper on non discrimination and stresses the need for a clear commitment to a disability-specific directive.

3.4 The EESC welcomes the involvement of large European companies in the European Year of People with Disabilities. Their role as catalysts towards other companies should not be underestimated. As mentioned in its previous report, the EESC would welcome the establishment of a European network on business and disability as one of the concrete outcomes of the European Year of People with Disabilities. This network could contribute to the improvement of the legislative framework to increase the employment of disabled people and the production of accessible goods and services, therefore increasing the business case for disability. The network would also provide useful advice to new companies interested in becoming more actively involved in disability issues, with a particular effort to be made towards SMEs.

3.5 The EESC welcomes the campaign led by the European Trade Union Confederation and its members. The EESC stresses the important role of trade unions and encourages them to continue increasing their focus on disability issues.

3.6 The EESC has in all of its previous reports highlighted the importance of the involvement of representative disability organisations in all levels of policymaking. The representative character of the European Disability Forum is accepted by all EU institutions and its special status needs therefore to be acknowledged. A strong and independent European Disability Forum which acts as a watchdog is one of the best guarantees that the rights of disabled people will continue to be respected in all EU initiatives.

3.7 The role of the European Disability Forum would not be possible without its national and European members. Therefore, the financial support the European Commission provides for European impairment-specific organisations, members of the European Disability Forum, is of vital importance and has to be maintained. The diversity of the disability movement can only be respected if financial support is provided to the different European impairment-specific organisations.

3.8 The EESC would like to see the establishment of a monitoring structure of the EC action plan. The participation of all relevant partners in this monitoring structure, including the European Disability Forum, will be of vital importance to ensure the success of the action plan. The EESC would like to be associated to this monitoring structure.

3.9 The EESC welcomes the impact the European Year of People with Disabilities has had to include disability on new policy agendas, like youth and culture. The Council Resolution 'Accessibility and Cultural Infrastructure and Cultural Activities for People with Disabilities' ⁽⁸⁾ is a good example of this. The EESC stresses the importance to ensure that all projects funded in the areas of culture, youth and education with EU funds should comply with accessibility criteria.

3.10 The new European Commission work programme for 2004 provides several initiatives which are relevant for disabled people and the commitment to mainstream disability should lead to adequate references to disabled people in these initiatives. Some of these initiatives are:

- the mid term review of e-Europe and the revised e-Europe Action Plan for an enlarged Europe;
- the sustainable development strategy, the new Commission proposal on internal market services and the future ones on services of general interest;
- the proposal for a new generation of programmes in the domain of education and culture post-2006;
- the Communication from the Commission on the rights of passengers in the transport sector;

- the Commission Communication on Social Inclusion Strategies of Candidate Countries;
- the Commission proposal for the review of the European social policy agenda beyond 2005.

3.11 The EESC welcomes the references to the High Level Group on Disability and considers that the role of this Group should be strengthened. The participation of the European Disability Forum in the meetings of this Group needs to be permanent, in line with how the Advisory Committee on Equal Opportunities for Women and Men works. The social partners at EU level should also be involved in the work of the High Level Group.

3.12 The EESC requests that in all future work in the area of human rights, the rights of disabled people need to be specifically addressed. The EESC looks forward to the results of the study which is currently being undertaken on the situation of disabled people in residential institutions and which should provide not only an overview of the situation, but concrete proposals on alternative community based measures for this large group of disabled people.

3.13 The EESC welcomes the guidance document on development cooperation and disability which has been presented in March 2003 and which was prepared in cooperation with the European Disability Forum and the International Disability and Cooperation Consortium. The EESC urges the European Commission to implement this guidance note in order to ensure that disabled people will benefit from development cooperation funds, also in situations of emergency and humanitarian aid.

3.14 The EESC commits itself to continue strengthening its focus on disability issues. The efforts made by the EESC to ensure full accessibility of its new premises and services, show the real commitment of the EESC, which wants to be seen as leading by example in the protection and promotion of the rights of disabled people and their families.

Brussels, 25 February 2004.

The President
of the Economic and Social Committee
Roger BRIESCH

⁽⁸⁾ Council Resolution ACCESSIBILITY OF CULTURAL INFRASTRUCTURE AND CULTURAL ACTIVITIES FOR PEOPLE WITH DISABILITIES, 5-6.V.2003, 8430/03 (Presse 114) 23.