

## I

(Resolutions, recommendations and opinions)

## RESOLUTIONS

## COUNCIL

**Resolution of the Council of the European Union and the representatives of the Governments of the Member States, meeting within the Council of 17 March 2008 on the situation of persons with disabilities in the European Union**

(2008/C 75/01)

THE COUNCIL OF THE EUROPEAN UNION AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL,

pation and inclusion in society and in the field of work, respect for difference, equality of opportunity, accessibility, equality between men and women, and the full enjoyment of all human rights by children;

Recalling that:

1. the United Nations Convention on the Rights of Persons with Disabilities ('the UN Convention') adopted by the General Assembly at its sixty-first session in December 2006 not only confirms that disability is a human rights issue and a matter of law, but also aims to ensure that persons with disabilities enjoy human rights on an equal basis with others;
2. the Declaration regarding persons with a disability annexed to the Treaty of Amsterdam provides that the institutions of the Community shall take account of the needs of persons with disabilities in drawing up measures under Article 95 of the Treaty;
3. the Council adopted Conclusions in December 2003 on the follow up of the European Year of People with Disabilities, endorsing comprehensive social inclusion and the full achievement of equal opportunities for people with disabilities as objectives of the European Disability Action Plan for 2004-2010;
4. the European Disability Action Plan 2004-2010 highlights three operational objectives: full implementation of the Employment Equality Directive <sup>(1)</sup>, successful mainstreaming of disability issues in relevant Community policies, and improving accessibility for all;
5. the basic principles aiming to ensure the equal effective enjoyment of human rights and freedoms by persons with disabilities under the UN Convention are: dignity and individual autonomy, non-discrimination, full and effective partici-

6. at the first informal ministerial meeting on disability issues of 11 June 2007, the UN Convention was endorsed as a fundamental step for the promotion, protection and full realisation of the human rights and fundamental freedoms of all persons with disabilities. Ministers undertook to further develop policies so as to ensure the full implementation of the Convention and called on the European Commission to ensure that the new priorities of the European Disability Action Plan contribute to the effective implementation of the UN Convention;
7. in its Resolution on the Follow-up of the European Year of Equal Opportunities for All (2007) <sup>(2)</sup> adopted in December 2007, the Council called on the Commission and the Member States, in accordance with their respective competences, to continue the process of signature, conclusion and ratification of the UN Convention.

Welcome:

1. the Commission Communication on the situation of disabled people in the European Union: the European Action Plan 2008-2009, which describes in tangible terms the European commitment to ensure that persons with disabilities are addressed as citizens and active socio-economic actors contributing to the construction of a sustainable and cohesive Europe offering equal opportunities for all. All the actions in this Plan aim to meet the individual and diverse needs of persons with disabilities;

<sup>(1)</sup> Directive 2000/78/EC (OJ L 303, 2.12.2000, p. 16).

<sup>(2)</sup> OJ C 308, 19.12.2007, p. 1.

2. the results achieved in the implementation of the second phase of the European Disability Action Plan (2006-2007), which emphasises dignity, fundamental rights, protection against discrimination, fairness and social cohesion. It is now widely acknowledged that mainstreaming is a key to advancing disability issues and, accordingly, the Disability Action Plan encouraged activity and promoted access to social services while fostering accessible goods and services;
3. the Commission's public consultation on new anti-discrimination measures to tackle discrimination on the basis of gender, religion, belief, disability, age or sexual orientation in areas beyond employment;
4. the progress achieved by the Member States and the European Community following the signature of the UN Convention;
5. the convergence of the European Disability Action Plan and the UN Convention.

Recognise that:

1. persons with disabilities often remain disadvantaged and marginalised, especially in the field of work. Insufficient access to the labour market can mean that persons with disabilities are placed in vulnerable situations in society and exposed to serious risks of discrimination, poverty and social exclusion;
2. although in some Member States the unemployment rate of persons with disabilities remains high, in other Member States the employment rates are rising. This proves that national as well as European efforts are increasingly effective and should be further pursued and improved;
3. analyses of the most recent data confirm the strong correlation between disability and ageing. The number of older people including older people with disabilities is increasing, and there is a growing need in the Community for accessible goods, services and infrastructure. The social services sector is indeed expanding, and meeting the needs of the ageing population will also mean creating new jobs;
4. the cumulative effect of gender and disability implies that women with disabilities often face multiple forms of discrimination, have less independence, less access to education, training, employment, and health services, and therefore often face a greater risk of exclusion, poverty and abuse.

Underline that:

1. the EU Disability Strategy emphasises the importance of equal access to inclusive, quality education and lifelong learning, which are crucial for enabling persons with disabilities to participate fully in society and improve their quality of life;
2. accessible built environments, transport and Information and Communication Technology (ICT), both in urban and rural areas, are crucial for the realisation of a society which provides genuine access to equal rights, offering its citizens real autonomy and the means to pursue independent and active economic and social lives. Such accessibility represents no less than a cornerstone of an inclusive society based on non-discrimination;
3. disability statistics are needed to establish a picture of the overall situation of persons with disabilities in Europe. Such statistical and research data allow informed disability policies to be formulated and implemented at the different levels of governance;
4. people with disabilities and their organisations at national, regional and local levels should be recognised by Member States as playing an important advisory role when decisions are made on disability matters and can also contribute to the implementation of decisions.

Invite the Commission to:

1. strengthen efforts to prevent and combat discrimination based on disability, inside and outside the labour market, promoting access both to the labour market and to goods and services, in accordance with the non-discrimination framework strategy;
2. present as soon as possible a proposal for a Council Decision concerning the conclusion, by the European Community, of the UN Convention and to implement the Convention in the areas of Community competence;
3. support the effective implementation of the UN Convention at the different levels of governance, in particular following its conclusion by the Community and ratification by Member States, including through awareness-raising and by financing activities under existing Community programmes such as the Progress Programme <sup>(1)</sup>.

<sup>(1)</sup> Decision No 1672/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Community Programme for Employment and Social Solidarity — Progress (OJ L 315, 15.11.2006, p. 1).

Invite the Member States and the Commission, in accordance with their respective competences, to ensure:

1. that people with disabilities enjoy their human rights in full, by:
    - (a) ratifying and concluding, and then implementing the UN Convention, including shared European solutions within a coherent and coordinated approach for the implementation of the UN Convention;
    - (b) further developing a comprehensive policy mix of all appropriate instruments with a view both to eliminating discrimination and to including persons with disabilities in society, based on the human rights approach and the mainstreaming of disability;
    - (c) encouraging persons with disabilities to be active in the labour force by ensuring the development and implementation of anti-discrimination measures, active support and the removal of obstacles;
    - (d) addressing the issue of multiple discrimination of women with disabilities and facilitating their full development, advancement and empowerment;
    - (e) taking measures to allow persons with disabilities, as far as possible, to live independently, to be included in the community, and to have access to quality care and support services;
    - (f) reinforcing the mainstreaming of disability issues, building on the efforts undertaken by the Member States to oblige public bodies to promote equality of opportunities for persons with disabilities;
    - (g) further supporting the Member States and regional and local communities in the deinstitutionalisation process whenever this is in the best interest of people with disabilities;
    - (h) examining any gaps that may exist in the current Community legislative framework of protection against discrimination, in particular on the grounds of disability, and considering appropriate and targeted responses;
    - (i) strengthening capacities at both national and Community level to collect and analyse appropriate information, including statistical and research data, in compliance with legal safeguards and data protection rules.
  2. accessibility for people with disabilities:
    - (a) improving accessibility is a precondition for autonomy, inclusion and participation, and enables people with disabilities to enjoy human rights and fundamental freedoms;
  3. that work begins on a European disability strategy to succeed the current European Disability Action Plan 2004-2010, including by:
    - (a) implementing in full the European Action Plan 2008-2009;
- (b) enhancing labour market participation through the combination of flexible employment schemes, supported employment, social economy, active inclusion and positive measures like support services, wage subsidies, workplace adaptations, the use of assistive technologies and personal assistance, will lead to better employment opportunities for all persons with disabilities and also improve productivity;
  - (c) people with disabilities should be provided with good access to education and specific measures should be taken, where appropriate, to enable children with disabilities to participate in mainstream education;
  - (d) the use of the Structural Funds, including the European Social Fund (ESF), to support employment, training and equal opportunities for people with disabilities should be further promoted;
  - (e) the ongoing work on the development of shared European standards for accessibility should be promoted and their application in public procurement encouraged;
  - (f) quality services of general interest, including social, health, and rehabilitation services, should be made accessible to persons with disabilities and their families through the development of voluntary Europe-wide quality frameworks;
  - (g) the inclusion of all citizens in the Information Society should be promoted in line with the Riga declaration on e-inclusion by developing accessible information and communication technologies and by means of assistive technologies for persons with disabilities;
  - (h) access to mainstream goods, services and infrastructure should be improved, so as to empower persons with disabilities to act as consumers;
  - (i) persons with disabilities should be guaranteed full enjoyment of their rights as passengers as far as reasonably possible, and their rights should be secured through the promotion of relevant European transport legislation;
  - (j) the rights of all persons with disabilities to be included in society should be promoted and, wherever appropriate, the gradual replacement of care institutions by community-based alternatives should be encouraged.

- (b) assessing how national actions reflect the commitments made by the European Community and the Member States to fully implement the UN Convention at European level, and considering setting consistent and comparable national targets to that end.

Invite the institutions of the European Union:

to continue their efforts in providing equal treatment and opportunities to all applicants for employment, including people with disabilities. Moreover, the institutions of the European Union are encouraged to further improve the accessibility of their own buildings and facilities.

Invite people with disabilities and their organisations:

1. to continue their coordination so as to communicate their needs to policy makers and to identify and analyse policy options;
2. to participate in the development and implementation of the European Disability Action Plan and the United Nations

Convention together with the Commission and Member States.

Invite all stakeholders to:

1. maintain a dialogue (including with people with disabilities and their organisations, public authorities, and the social partners) in order to understand each other's needs and to generate consensual solutions;
2. use the opportunities provided by their participation in the EU High Level Group on Disability to sustain the mainstreaming of disability issues in Community policies.

Invite future Presidencies:

to continue strengthening the European human rights approach to disability, ensuring comprehensive social inclusion and the full achievement of equal opportunities for people with disabilities and, to that end, to maintain the dialogue and close cooperation between the Community, the Member States, people with disabilities and their organisations, and other stakeholders.

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