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## Mobility and inclusion of people with disabilities

P7\_TA(2011)0453

### European Parliament resolution of 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020 (2010/2272(INI))

(2013/C 131 E/02)

The European Parliament,

- having regard to the Universal Declaration of Human Rights, the European Convention on Human Rights, the Charter of Fundamental Rights of the European Union, the Universal Declaration of Human Rights and the European Convention on Human Rights,
- having regard to the UN Convention on the Rights of Persons with Disabilities (UN CRPD), and its entry into force on 21 January 2011, in accordance with Council Decision 2010/48/EC of 26 November 2009 on the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities <sup>(1)</sup>,
- having regard to the Community Charter of the Social Fundamental Rights of Workers <sup>(2)</sup>,
- having regard to Articles 2, 10, 19 and 168 of the Treaty on the Functioning of the European Union,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation <sup>(3)</sup>,
- having regard to the Commission proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426) and Parliament's position of 2 April 2009 thereon <sup>(4)</sup>,
- having regard to the Commission Communication of 3 March 2010 entitled 'Europe 2020 – A strategy for smart, sustainable and inclusive growth' (COM(2010)2020),
- having regard to Council Recommendation 98/376/EC of 4 June 1998 on a parking card for people with disabilities <sup>(5)</sup>,
- having regard to the Commission Communication of 26 August 2010 entitled 'A digital agenda for Europe' (COM(2010)0245),
- having regard to the Commission Communication of 12 May 2000 entitled 'Towards a Barrier-Free Europe for People with Disabilities' (COM(2000)0284),
- having regard to the Commission Communication of 25 September 2001 entitled 'eEurope 2002: Accessibility of public websites and their content' (COM(2001)0529),
- having regard to the World Health Organisation's international classification of functioning, disability and health (ICF) of 22 May 2001 (World Health Assembly resolution (WHA) 54.21),

<sup>(1)</sup> OJ L 23, 27.1.2010, p. 35.

<sup>(2)</sup> OJ C 364, 18.12.2000, p. 1.

<sup>(3)</sup> OJ L 303, 2.12.2000, p. 16.

<sup>(4)</sup> OJ C 137 E, 27.5.2010, p. 68.

<sup>(5)</sup> OJ L 167, 12.6.1998, p. 25.

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- having regard to the Commission Communication of 30 November 2003 entitled 'Equal opportunities for people with disabilities: A European action plan' (COM(2003)0650),
- having regard to the Commission Communication of 24 January 2003 entitled 'Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities' (COM(2003)0016),
- having regard to the Commission Communication of 16 March 2005 entitled 'Green Paper on confronting demographic change: a new solidarity between the generations' (COM(2005)0094),
- having regard to the Commission Communication of 26 November 2007 entitled 'Situation of disabled people in the European Union: the European Action Plan 2008-2009' (COM(2007)0738),
- having regard to the Commission Communication of 16 December 2010 entitled 'The European Platform against Poverty and Social Exclusion: A European framework for social and territorial cohesion' (COM(2010)0758),
- having regard to the Commission Communication of 15 November 2010 entitled 'European Disability Strategy 2010-2020: A renewed commitment to a barrier-free Europe' (COM(2010)0636),
- having regard to the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities ('the Optional Protocol'), adopted on 13 December 2006,
- having regard to the Council Conclusions on 'Promoting labour market inclusion – Recovering from the crisis and preparing for the post-2010 Lisbon Agenda' of 30 November 2009,
- having regard to Petition 1454/2010 by Urszula Weber-Król,
- having regard to the Commission's report on the functioning and effects of Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (COM(2011)0166),
- having regard to the ruling of the European Court of Justice (Case C 13/05 regarding Directive 2000/78/EC – Equal treatment in employment and occupation – Concept of disability) of 11 July 2006,
- having regard to Council Decision 2010/707/EU of 21 October 2010 on guidelines for the employment policies of the Member States <sup>(1)</sup>,
- having regard to its resolution of 17 June 1988 on sign languages for deaf people <sup>(2)</sup>,
- having regard to its resolution of 26 May 1989 on women and disability <sup>(3)</sup>,
- having regard to its resolution of 16 September 1992 on the rights of mentally disabled people <sup>(4)</sup>,
- having regard to its resolution of 14 December 1995 on the human rights of disabled people <sup>(5)</sup>,
- having regard to its resolution of 9 May 1996 on the rights of people with autism <sup>(6)</sup>,
- having regard to its resolution of 13 December 1996 on 'Parking card for disabled people – rights of disabled people' <sup>(7)</sup>,

<sup>(1)</sup> OJ L 308, 24.11.2010, p. 46.

<sup>(2)</sup> OJ C 187, 18.7.1988, p. 236.

<sup>(3)</sup> OJ C 158, 26.6.1989, p. 383.

<sup>(4)</sup> OJ C 284, 2.11.1992, p. 49.

<sup>(5)</sup> OJ C 17, 22.1.1996, p. 196.

<sup>(6)</sup> OJ C 152, 27.5.1996, p. 87.

<sup>(7)</sup> OJ C 20, 20.1.1997, p. 386.

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- having regard to its resolution of 11 April 1997 on equality of opportunity for people with disabilities <sup>(1)</sup>,
  - having regard to its resolution of 23 June 2003 on the Communication from the Commission to the Council and the European Parliament 'Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities' <sup>(2)</sup>,
  - having regard to the Commission Communication of 12 January 2011 entitled 'The Annual Growth Survey: advancing the EU's comprehensive response to the crisis' (COM(2011)0011), and the draft joint employment report annexed thereto,
  - having regard to Council decision 2011/308/EU of 19 May 2011 on guidelines for the employment policies of the Member States <sup>(3)</sup>,
  - having regard to its resolution of 8 March 2011 on reducing health inequalities in the EU <sup>(4)</sup>,
  - having regard to the framework agreement on inclusive labour markets, concluded by the European social partners on 25 March 2010,
  - having regard to the Council Conclusions on common values and principles in European Union health systems (2006/C146/01),
  - having regard to the Council Conclusions of 8 June 2010 on 'Equity and health in all policies: solidarity in health',
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on the Environment, Public Health and Food Safety, the Committee on Women's Rights and Gender Equality and the Committee on Petitions (A7-0263/2011),
- A. whereas as full citizens, people with disabilities (including physical and psycho-social disabilities) have equal rights and are entitled to unquestionable dignity, equal treatment, independent living and full participation in society,
- B. whereas over 80 million people, or around 16 % of the European Union's total population, are living with disabilities – including people with mental health problems, with special regard to autism – and their rate of unemployment is at least twice as high as that of people without disabilities; whereas people with disabilities constitute a vulnerable group, among whom the rate of poverty is 70 % higher than average; whereas the rate of employment for people with disabilities is only around 45 %, while high-quality jobs ensure economic independence and foster personal achievement; whereas unemployment increases the risk of poverty and social exclusion, since at least a quarter of the population suffer once during their lifetime from a mental health problem and whereas for 10 % of them this can lead to chronic mental health problems, underlining the need for active and targeted policies to combat this persistent situation; whereas the higher risk of poverty is often the result of limited access not only to employment and training but also to healthcare and appropriate treatment,
- C. whereas the most marginalised groups in society are those hardest hit by crisis, and whereas people with disabilities are one of the groups most affected by the impact of the financial crisis in Europe,

<sup>(1)</sup> OJ C 132, 28.4.1997, p. 313.

<sup>(2)</sup> OJ C 76 E, 25.3.2004, p. 231.

<sup>(3)</sup> OJ L 138, 26.5.2011, p. 56.

<sup>(4)</sup> Texts adopted, P7\_TA(2011)0081.

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- D. whereas the fact that gaps in the implementation of the existing principle of equal treatment of people with disabilities are regularly brought to the attention of the Committee on Petitions by the citizens concerned,
- E. whereas people with disabilities in need of high levels of support are among the most excluded in society, and whereas women with disabilities are generally amongst the more vulnerable and marginalised members of society and experience discrimination and exclusion from participation in education, employment and social life,
- F. whereas the success of the Europe 2020 Strategy, the objective of which is to develop European growth which is smart (based on innovation and research), sustainable and inclusive, will necessarily require structural improvements as regards the mobility and inclusion of people with disabilities,
- G. whereas this figure will rise substantially in the coming years in view of the inevitable reversal of the population pyramid, as more than one third of people aged over 75 have disabilities that restrict them to some extent and over 20 % are considerably restricted,
- H. whereas the European Union formally ratified the United Nation's Convention on the Rights of People with Disabilities, and whereas this has also been signed by all 27 EU Member States and ratified by 17 of them,
- I. whereas the European Union's competence in the area of protection against discrimination on the ground of disability is currently limited to employment, occupation and vocational training (2000/78/EC), and whereas the UN CRPD is a mixed agreement whereby the EU institutions and the Member States have obligations regarding its implementation and the proposals and approaches within this report to be considered and addressed in the upcoming Commission proposal on a European Accessibility Act,
- J. whereas social policies aimed at people with disabilities often fall within the competence of Member States and are therefore based on national traditions and heritage, social customs, economic development and the very important role played by families and associations in helping people with disabilities to achieve autonomy and integrate into society,
- K. whereas disability is an evolving concept that results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others and with the same dignity,
- L. whereas there is a strong relationship between mobility, disability and social inclusion, especially with regard to freedom and access to communication (including Braille and sign languages and other alternative forms of communication), freedom of movement in all fields of life and access to services; whereas full participation in all aspects of society needs to be promoted, bearing in mind the importance of Community policies regarding information and communications technologies, as well as home robotics and online communication solutions, and the need to move towards full accessibility by promoting compatible standards in the single market and facilitating their dissemination,
- M. whereas access to information (Article 11 of the Charter of Fundamental Rights) and culture, as laid down in the Council Resolution of 6 May 2003 on accessibility of cultural infrastructure and cultural activities for people with disabilities, plays a vital role in the intellectual development of people, including people with disabilities, and therefore has a direct impact on their employment opportunities,

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- N. whereas people with disabilities have the right to community-based services favouring independent living, to personal assistance, to economic and social independence and full participation in society and to the labour market; whereas if support activities were remunerated, they would account for nearly 50 % of GDP (the Commission on the Measurement of Economic Performance and Social Progress, 21 April 2010),
- O. whereas accessibility barriers to using services and goods offered to all are significant obstacles to people with disabilities,
- P. whereas people with disabilities in some Member States and in some sectors suffer from discrimination throughout their lives and in particular during the period of education and training, owing to a lack of early recognition and intervention for children and pupils with disabilities, which restricts their future employment opportunities,
- Q. whereas in the 16-19 age group the rate of non-participation in education is 37 % for people with disabilities and 25 % for people with a certain degree of disability, as against 17 % for people without disabilities,
- R. whereas Article 24 of the United Nations Convention on Persons with Disabilities, ratified by the EU in December 2010, prohibits exclusion from the education system on the basis of disability, and whereas inclusive education represents the most effective means of combating discriminatory attitudes, building an integrationist society and achieving education for all,
- S. whereas women with disabilities often suffer double discrimination, and whereas governments can counter this phenomenon by implementing gender mainstreaming in all relevant areas of disability policy,
- T. whereas the economic crisis represents a challenge for employment in general and for people with disabilities in particular, with the rise in the unemployment rate being considerably greater for people with some kind of disability and a growing fear that disability benefits may be used to control labour supply,
- U. whereas the family members of persons with disabilities suffer from discrimination by association and measures supporting families will in turn have a positive impact on the full and equal realisation of the rights of persons with disabilities,
- V. whereas in 2007 a petition with 1 364 984 signatures was submitted to the Commission calling for people with disabilities to be given extensive protection in all European Union policies, and whereas the Commission has so far failed to take due account of this legitimate initiative,

### **Objectives**

1. Emphasises that the Europe 2020 Strategy target of 75 % of the population aged 20-64 in employment cannot possibly be achieved unless this includes the population with some form of disability;
2. Stresses that financial expenditure for the benefit of, and economic investment in, people with disabilities is a long-term return investment in the well-being of all in a sustainable society where people can live longer and work more efficiently under better conditions; in this connection, stresses that it is unacceptable in the context of public austerity measures for unjustified cuts to be made to services for persons with disabilities or to projects for their social inclusion, since this would mean failing to guarantee certain basic and inalienable rights of people with disabilities; believes that, on the contrary, investment in this area should be increased substantially; reiterates that all health services in the European Union should be based on the fundamental values of universality, access to high-quality care and solidarity;

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3. Observes that throughout the financial crisis, from which there are now signs of recovery, there has remained an intrinsic solidarity in European societies; fully acknowledges and stresses the need for individualised measures for persons with disabilities who require, on the basis of different levels and features of disabilities, even more intensive support based on human rights and dignity as well as the risk of discrimination, which is frequently not respected and therefore needs to be highlighted through European public awareness campaigns; points out that the needs of people with disabilities should therefore be taken into account on the basis of their specific requirements so that suitable arrangements can be made at all stages of education and training and professional life;

4. Stresses the importance of the objectives of the new European Disability Strategy 2010-2020 (EDS) and calls especially for the framing of more detailed actions at all levels of governance based on reliable data; considers that the basic principle of 'nothing about persons with disabilities without persons with disabilities' should be observed, i.e. people with disabilities must be involved in all measures and decisions which affect them;

5. Regrets that the Commission Communication on the European Disability Strategy does not include an integrated gender perspective or a separate chapter on gender-specific disability policies, despite the fact that women with disabilities are often in a more disadvantaged position than men with disabilities and are more often victims of poverty and social exclusion; calls on the Commission and the Member States to take gender aspects into account throughout the European Disability Strategy (EDS) 2010-2020;

6. Stresses the need for an efficient new approach to disability starting with the creation of a European Disability Board, which would meet on a regular basis and with the active involvement of the European Parliament and the participation of representative organisations of persons with disabilities, as well as national task forces, in order to ensure more effective mechanisms to coordinate and monitor – as well as to evaluate – the implementation of the EDS within the Commission and Member States' programmes and strategies, in accordance with the principles of subsidiarity;

7. Recalls that a sustainable society where people live longer and in better health should also imply improvements in the planning of urban and common areas and in the accessibility of available goods and services, including equal access to new information and communication technologies, so as to improve the quality of life of people with disabilities and prevent social exclusion;

### ***Civil and human rights***

8. Calls for full respect of the Charter of Fundamental Rights of the European Union and support for the principles of Design for All and Universal Design; acknowledges the efforts made by the European Union and the United Nations with respect to legislation aimed at strengthening the full integration of people with disabilities in society but takes the view that more should be done;

9. Stresses in particular the need to ensure full respect for the rights laid down in the Convention on the Rights of the Child in the case of children with disabilities, including the right to engage in play, the right to education, the right to participate in community life (including cultural life and the arts), the right to the medical care required by their personal circumstances, and the freedom to seek and receive information and ideas; points out in particular that Article 23 of the above convention recognises that children with disabilities should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community, and calls for children with disabilities to have effective access to education, training, healthcare services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development;



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10. Calls for effective mainstreaming of disability throughout the EU 2020 Strategy and its flagship initiatives, including Innovation Union, in which reference to disability is lacking;
11. Calls attention to the fact that many people with disabilities continue to suffer discrimination with regard to the lack of equal recognition before the law and justice, and calls on the Member States to correct and remedy these shortcomings, including effective access to justice for persons with disabilities, appropriate training for those working in the field of administration of justice, including police and prison staff, and stresses the importance of guaranteeing and ensuring equal participation in political and public life, including the right to vote, to stand for election and to hold office, in accordance with Article 29 of the UN CRPD, because according to estimations made by relevant NGOs and election experts, only a small percentage of people with disabilities are able to participate in elections;
12. Takes the view that purchasing goods and services, including the relevant and accessible information about them, should include suitable (on-line) shopping solutions as well as goods and services designed to be accessible in the long term; draws attention to the need for products for people with disabilities to be approved under both European and global standards; calls on the Commission to take further appropriate measures to promote the development of, and access to, universally-designed goods and services as enshrined in Article 29 of the UN CRPD, including the exchange of best practices;
13. Highlights the fact that, in the light of the United Nations Convention on the Rights of Persons with Disabilities, numerous studies have shown that women with disabilities suffer double discrimination on grounds both of their gender and their disability; calls on the Commission, in view of the almost total lack of mechanisms in this regard, to make special provision in the social protection systems for women with disabilities;
14. Stresses that people with mental disabilities and intellectual impairments are particularly exposed to the risk of abuse and violence; calls on the Member States to establish a developed control mechanism to provide social services and legal protection for victims and to guarantee respect for the human rights and freedoms of people in residential institutions, with special regard to women and children with disabilities; calls on the European Institute for Gender Equality to carry out studies on the situation of girls and women with disabilities in relation to violence; stresses the need for measures and actions to fight the double discrimination of women and promote full equality of rights and opportunities; calls on the European Commission and the Member States to take active and effective steps to support and promote the transition from institutional to community-based care, making efficient use of possibilities of EU funding such as PROGRESS for measures to heighten public awareness of the situation of people with disabilities resident in institutions; calls on the Member States to guarantee priority access to social housing for women with disabilities who fall victim to violence, grants for adapting the home environment, home support and public services attending to cases of gender violence;
15. Stresses that the Member States should be encouraged to pay considerably more attention to the social aspects of disability; considers that a necessary precondition for the individual's ability to exercise civil rights could be the establishment of a legal background for a supported decision-making mechanism; calls on the Member States to encourage as much as possible forms of support such as personal assistance and other services which support independent living in order to reduce institutional care in general in favour of other forms of support; calls on the Commission to conduct an in-depth study of these phenomena and to heighten society's awareness thereof; highlights the role of voluntary work as a vital support for people with disabilities and calls on the Commission and the Member States to continue and to improve the initiatives and support programmes devoted to such work;
16. Stresses the importance of guaranteeing and ensuring equal access to public information with special regard to the public management of natural and man-made disasters, in accordance with Article 21 of the UN CRPD;

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17. Calls on the Commission and the Member States to take the necessary steps to prepare for natural disasters and those caused by human negligence, with particular regard to providing people with disabilities with appropriate, useful information, inter alia through the presentation of useful and suitable international examples;

18. Stresses the need for action at both national and European level to promote the transition from institutional to local community care, making use of the Structural Funds accompanied by measures to heighten public awareness of the situation of people with disabilities resident in institutions;

#### ***The importance of data collection and consultation with stakeholders***

19. Stresses that consistent gender-specific data on disability issues and disability-related services in the Member States, including specific indicators and information regarding the number and quality of residential institutions and homes, are currently lacking or limited, and that Eurostat should provide more annual gender-specific data on persons with disabilities and their carers;

20. Expresses disappointment at the lack of transparency and the limited involvement of persons with disabilities in data collection and consultation and considers that the European Commission should encourage the participation of persons with disabilities in consultation procedures that must be fully accessible according to the experience of NGOs, designed in order to allow specific comments and supported by effective information campaigns; stresses that only 336 replies by civil society to the Commission's on-line consultation, which was held on the Commission's central consultation website in 2009, show that the information campaigns did not reach targeted groups and the online tool was not accessible for blind people using screen readers; calls on the Member States to ensure that in all implementation processes at all levels, people with disabilities and their organisations are included in the process (as set out in Article 33 UN CRPD);

21. Calls on the Commission to speed up the process of monitoring, cooperation and exchange of good practice between Member States, especially with respect to the gathering of comparable gender-specific data and progress indicators, in order to achieve the aims set at both national and Community level; stresses that measurements should be based on the needs of people with disabilities and should include not only medical but also social, employment and environmental aspects; at the same time, stresses the importance of coordinating efforts to combat abuse of the system and the feigning of disability;

22. Recalls that registration of people with disabilities for services and public-budget-based support must not lead to violation of their human rights and privacy or the creation of stigmas;

#### ***Demographic changes and a barrier-free environment***

23. Stresses that demographic change will also lead to a growing number of elderly people with disabilities, as more people will experience the onset of a disability because people are living longer, so that there will be a growing need for the development and design of services and solutions that are of benefit both for persons with disabilities regardless of their age and elderly people with or without disabilities;

24. Encourages alliances between the two groups in society, in order to contribute to innovative growth, based also on employment and social development in the Member States and in order to meet the new demands arising from the ageing society and demographic change;

25. Calls on the Commission to strengthen both sanctions and positive incentives for Member States to implement Article 16 of Regulation (EC) No 1083/2006 and to respect its legally binding requirements; calls on the Commission to reinforce anti-discrimination and accessibility provisions in the future Cohesion Policy 2014-2020 and to monitor and assess the correct implementation of the European funding programmes and the use of European Funds;



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26. Calls on the Commission to promote the use of European Structural Funds, especially the European Regional Development Fund, to improve the accessibility of goods and services and the built environment through the use of European funds;

***Free movement and barrier-free services***

27. Acknowledges that free movement is a fundamental right within the European Union; stresses that it positively influences the quality of life and participation in society and the labour market of people with disabilities and their families in society, with special regard to better access to health services, paying more attention to people with chronic disabling diseases in order to decrease health inequalities throughout the European Union;

28. Points out that, in a Europe that promotes equality and freedom of movement within its territory for its citizens, the rights of people with disabilities vary from one Member State to another;

29. Stresses that accessible transportation enables people with disabilities to participate in the labour market more easily and therefore helps in the fight against poverty and social exclusion;

30. Calls on the Commission and the Member States to bring about accessibility of services more speedily via various strategies to remove barriers to access to these technologies, including lower prices, as well as EU2020 flagships initiatives designed to achieve the EU2020 objectives;

31. Recalls that mobility is a core issue for the European Employment Strategy and that the specific obstacles to a life of dignity and independence for people with disabilities in the EU remain extremely significant, particularly in terms of the portability of benefits and aid as well as of access to the necessary facilities or personal assistance;

32. Stresses that people with disabilities, under the Directive on application of patients' rights in cross-border healthcare (2011/24/EU), are entitled to cross-border health care and should be granted equal access to health care in any EU Member State, all the more so if they need highly specialised care;

33. Calls for better, mutual recognition of disability status across the Member States; calls on the Member States to exchange good practice in order to close the gaps between national systems for assessing degree(s) of disability across the EU, with the aim of ensuring better mobility for people with disabilities;

34. Underlines the need to encourage recognition by the Member States, in their social security systems and when people retire, of the involvement and unpaid work of carers, generally women, of people with disabilities; stresses that particular attention should be paid to these women;

35. Recognises the importance of Council Recommendation 98/376/EC of 4 June 1998 on a parking card for people with disabilities, which states that this card should exist in a standard format and should be recognised by all Member States in order to facilitate the bearers' car use, and observes that a unified EU charter for travellers' rights and obtaining and renewing driving licences and any other permits or documents which may be required to facilitate mobility between Member States are essential for the inclusion of people with disabilities in society across Member States; recognises that innovative forms of free communication tools for the blind and the deaf, such as accessible information services with special regard to online services, are also essential for the full enjoyment of their rights; this includes 'easy to read' versions for people with cognitive and intellectual disabilities; calls for the reduction of barriers to the freedom of movement of people with disabilities, via the adoption of a European Mobility Card, based on mutual recognition by Member States of disability cards and disability benefits and entitlements so as to make it easier for people with disabilities to study, work and travel, also using the Open Method of Coordination framework; calls for the creation by the Commission of a more informative website targeting people with disabilities, explaining their rights and providing additional specific information on travelling;

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36. Calls on the Commission and the Member States to take the necessary measures to promote access without physical barriers to workplaces and homes for people with disabilities as a means of helping them integrate into working life;

37. Stresses that innovative and knowledge-based economies cannot develop without accessible content and forms for people with disabilities governed by binding legislation, such as accessible web pages for the blind and subtitled contents for the hard of hearing, including mass media services, online services for people using sign languages, smart phone applications and tactile and vocal aids in public media;

38. Calls on the Commission and the Member States to introduce a twin-track approach, whereby binding legislation and standards are seen as complementary instruments necessary to achieving accessibility; stresses that the legislation should lay down a framework which is sustainable, given the rapid developments in the ICT sector; notes that the standards should concern evolving tools that can ensure implementation of the legislation;

39. Is aware of the lack of equal access to health care, including access to health and health-care information, and calls on the European Commission to speed up its work on recommendations that will support equal access to health services and to information on health and health care;

40. Stresses that in order to achieve the active involvement of people with disabilities in all fields of social life, efforts have to be made to provide communication solutions for people with mental disabilities (e.g. easy-to-read websites) and augmentative and alternative communication (AAC) for people with complex communication needs;

41. Calls on the Member States, with the help of the Commission, to encourage the integration and acceptance in society of people with disabilities by improving access for them to sports, leisure and cultural facilities and activities, including the promotion and exchange between Member States of cultural material accessible to the visually impaired in accordance with the Council Resolution of 6 May 2003 on accessibility of cultural infrastructure and cultural activities for people with disabilities <sup>(1)</sup>;

42. Calls on the Member States to remedy shortcomings in accessibility legislation, especially as regards public transport and passenger rights legislation, including damage to mobility equipment, the services of electronic information communication systems and rules on public-built environments and services;

#### ***Equal opportunities***

43. Takes the view that 'equal opportunities' cannot be interpreted as meaning the same conditions and circumstances for people with different needs, and therefore believes that people with different disabilities should have access to appropriate means of purchasing goods and services, creating real equal opportunities;

44. Reaffirms the need to guarantee universal, effective, non-discriminatory access for persons with disabilities to social protection, social advantages, health care and education, and to the supply of the goods and services which are available to the public, including housing, telecommunications and electronic communications, information – including information provided in accessible formats – financial services, culture and leisure, buildings open to the public, modes of transport and other public areas and facilities;

45. Stresses that integration into working life and economic independence are extremely important factors for the social integration of people with disabilities;

<sup>(1)</sup> OJ C 134, 7.6.2003, p. 7.

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46. Reaffirms that products, goods and services, including their modified versions, should not be discriminatory and therefore must not cost more for people with disabilities;

47. Maintains that SMEs play a crucial role in giving people with disabilities access to employment, insofar as they can provide a working environment conducive to enhancing the personal and professional potential of people with disabilities; stresses, therefore, that SMEs should be provided not only with comprehensive information on facilitation and support measures for the hiring of protected persons but also with all relevant information on technologies and courses of study which enable people with disabilities to lead autonomous and active professional lives;

48. Stresses the exceptional importance of employing people with disabilities on the ordinary labour market; is aware of the great need for more flexible legal forms of employment relations with an emphasis on modern forms of employer-employee relations, and calls on the Commission and Member State governments to adopt legal and financial measures that will effectively support the employment of people with disabilities;

49. Calls on the Member States to improve and adapt their active employment policies to enable people with disabilities both to join the labour market and to remain on it; advocates the introduction of initiatives aligned with the needs of each type of disability, including plans and vocational guidance that operate from the moment individuals in need register with the services set up for this purpose;

50. Stresses that sheltered workshops and integrated workplaces, though not on an equal footing with participation in the open labour market, are valuable ways of accompanying and supporting all people with different disabilities and at different stages of life, including by means of reasonable accommodation in the transition towards an open labour market, and takes the view that unjustified denial of reasonable accommodation (Article 5 of Directive 2000/78/EC) should be seen as a form of discrimination, in accordance with Article 2 of the UNCRP; notes that in some Member States, sheltered workshops and quotas can be used as a transition to the open labour market, with the provision of specific facilities for people with disabilities and of staff trained to meet their needs; stresses that, in large undertakings, the appointment of representatives from among people with disabilities, allowing them to speak for themselves, should be welcomed, as should a strengthening of closer cooperation between relevant local NGOs and SMEs; stresses that personal assistants should be supported if necessary, since this would significantly improve the opportunities for people with disabilities to gain a foothold in the labour market;

51. Stresses the importance of transition programmes which, firstly, offer opportunities for work, beginning with sheltered workshops and progressing to the open labour market, and, secondly, create a more flexible framework for the transition from professional rehabilitation to other forms of employment in the course of implementing the Europe 2020 Strategy;

52. Calls on the Member States to consolidate and improve active employment policies adopted with a view to integrating people with disabilities at the workplace, and to increase the effectiveness of the national bodies responsible;

53. Notes that the Member States should, as a priority, agree and adopt as soon as possible the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426); calls on the Commission to continue to support the overcoming of technical difficulties within the Council in order to ensure that a swift agreement is reached; notes that anti-discrimination policy plays a key role in promoting social inclusion and employment for people with disabilities;

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54. Calls for the European public procurement legislation to be reviewed in order to make the accessibility criteria mandatory for enforcing selection criteria aimed at promoting social inclusion, innovation and accessibility for people with disabilities;

55. Stresses that, despite the differences between the Member States, the overwhelming majority of social security systems are not flexible enough for individuals to receive benefits in a manner enabling them to remain on the labour market; calls for these systems to be revised in order to make them more proactive so that individuals who receive benefits or who are partially disabled can remain on the labour market;

56. Recalls that the Commission itself, in its Communication on a European Disability Strategy, expresses concerns as to the low availability of subtitles in television and audio-description on television in the European Union; underlines especially the fact that a pan-European campaign to ensure wider access to subtitling on television in the European Union has been conducted for several years by organisations of deaf and hard of hearing people with the support of the European Parliament; calls for more diligent implementation of the Member States' obligation under Directive 2007/65/EC to encourage broadcasters to ensure greater accessibility of media services to people with hearing or visual disability; calls on the Commission to provide for specific funding possibilities for public broadcasters in order to help them introduce the framework of services of subtitles and audio-description in their programmes;

#### ***Investing in people with disabilities***

57. Finds that the employment level of people with disabilities across Europe is woefully low and reminds the European institutions that the aims of the EU2020 Strategy cannot be achieved unless the situation of such people improves; society must therefore be familiarised with disability and must accept it, including at pre-school and primary school level;

58. States that the present education and training systems are not sufficient to prevent a high drop-out rate of people with disabilities without additional public policies offering specific learning support, since the figure relating to the Europe2020 objective represents a reduction to less than 10 %; stresses that this leads to significant social and employment disadvantages, and resulting poverty, among people with disabilities, especially during the present economic crisis; stresses, given the high drop-out rate of persons with disabilities and in the light of the Council Conclusions of 11 May 2010 on the social dimension of education and training, the need to invest in and promote effective (including alternative) educational and (vocational) training programmes that are tailored to the needs, attributes and abilities of persons with disabilities, and notes that this calls for the availability of an adequate number of qualified and motivated professionals with sound and suitable programmes, as well as the availability of such programmes in the curricula of all vocational education and training and higher education establishments, including in extra-curricular programmes for people with disabilities, in order to combat negative attitudes towards children with disabilities and for them to obtain adequate qualifications for the modern and open labour market; calls on the Member States and the Commission to enable persons with disabilities to have better access to information about existing mobility and education programmes as well as equal access to Lifelong Learning programmes; notes, this being the case, that mainstreaming of anti-discrimination in Europe2020 and its flagship initiatives is needed in order to fulfil Article 24 of the UN CRPD;

59. Confirms that inclusive education should be the focus, in particular in the context of the accreditation of prior experiential learning, and that this should therefore be emphasised within the strategic framework for European cooperation in education and training ('ET 2020') as well as the New Skills and Jobs Flagship of EU2020; notes, in addition, the need for new and suitable guidelines and proper use of IT in schools and at home to provide personal, tailored assistance;

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60. Stresses that all children, including those with disabilities, need to be guaranteed the right to universal access to all sectors and levels of education in all institutions; calls on the Commission and Member States to increase the general information provided for families with children with disabilities in order to include early recognition and support and open up possible solutions for their specific needs; highlights the importance of state support for the families of people with disabilities, in terms of funding, assistance (including childcare services), healthcare provision, psychological support and the sharing of expertise, as well as more flexible working hours for (one of) the parents with children with disabilities; therefore urges the Member States to establish dedicated and accessible offices where information and administrative advice can be obtained; calls on the Member States to support the families of people with disabilities and professionals working in the national health systems by means of targeted information and training measures and by involving patients' associations in decision-making and monitoring processes;

61. Underlines that employers should allow people with disabilities to take up a position of work, if qualified, and to advance in it, and should support them with training;

62. Emphasises the need to foster the promotion of integrated work-linked training projects which enable young people with disabilities to make an immediate practical transition from education to working life;

63. Emphasises that efforts must also be made to address the issue of non-formal education and learning for young people with disabilities, including in areas such as social relations, the mass media (which should be subject to ever more stringent accessibility requirements, including in relation to subtitling and audio description systems), sport, leisure and outdoor pursuits, according to the specific needs of each child or young person; emphasises that these are not merely crucial tools for the healthy development of each individual, but also inalienable rights recognised by the UN;

64. Stresses that lifelong learning is a crucial way of supporting and increasing adaptability and continuance of employment for people with disabilities, and that it is particularly relevant for people who acquire a disability during the course of employment, especially for people who have an evolving disabling disease;

65. Calls on the Commission and the Member States to support or set up rehabilitation services in the fields of health, education, training, employment, tools for independent living, transport, etc. which are more effective and overlapping; these must not only be monitored and individually tailored but also help long-term budgetary and development planning;

66. Believes that suitable funding needs to be channelled to organisations of people with disabilities; insists that for such organisations the cofinancing rate should be no less than 10 % of the value of the projects presented by them, in view of their known financial difficulties;

### ***Lifestyles***

67. Stresses that voluntary social corporate responsibility could also be an important impetus to the situation of people with disabilities; calls for the introduction of aid and subsidies with special regard to EU funds and programming, which would vary according to the type of contract, for companies and individuals hiring workers with disabilities; calls on actors and stakeholders to support and apply good practice in this field, with special regard to women who have children with disabilities;

68. Reaffirms that training of public officials in the EU Institutions and the Member States in receiving and informing people with disabilities should be the rule, and that access to public legal documents and procedures should be supported by concrete actions; calls on the EU institutions to set an example as regards the employment of people with disabilities and urges the Member States also to pursue this strategy;

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69. Stresses that policies to foster and support independent entrepreneurship should pay due attention to the integration of people with disabilities into the labour market and into the sphere of economic activity, as this integration is a source of flexibility that enables them, in many cases, to overcome limits and barriers in the workplace; calls on the Member States to introduce more suitable and effective aid for independent entrepreneurship policies concerning this group;

70. Calls on the Commission to present more effectively the advantages of accessibility and to mainstream the costs and expenditure of creating a barrier-free environment for all with special regard to an ageing society;

71. Encourages the creation of special forms of leave so that parents can take care of their children with disabilities; urges, further, that the commitment shown and the work performed by parents of children with disabilities should be recognised by being counted as professional experience and by being specifically taken into account when old-age pension entitlements are calculated;

72. Stresses that barrier-free access to health services and complex rehabilitation services does not stop the deterioration of health completely, particularly in an ageing society, which is why everyone has a responsibility in terms of everyday activities and consumer habits if a sustainable society in which ever greater value must be placed on health, from prevention to rehabilitation, is to be achieved;

### ***The fight against poverty***

73. Calls on the Commission to secure adequate financial support for the EU umbrella organisation representing people with disabilities, as well as other European impairment-specific organisations, in order to enable full participation in policy making and implementation of legislation which builds on the commitments in the EDS and the UN CRPD and in other decision-making processes concerning issues relating to people with disabilities;

74. Deplores the fact that people with disabilities must assume an additional financial burden – the extra expenditure in the short term incurred seemingly because of their disability – in their daily lives, which has a considerable impact on their quality of life;

75. Calls on the Commission, in the light of its targets on poverty reduction, to disaggregate poverty figures in order to calculate the numbers of persons with a disability who are experiencing poverty so that comparable targets for poverty reduction of persons with a disability can be achieved within the framework of the EU 2020 strategy;

76. Points out that eliminating or seriously alleviating this poverty would entail having more people with disabilities in work, which would increase net tax revenue for the state and would reduce the number of people needing benefits for reasons of extreme poverty;

77. Confirms that, recalling the impetus of the European Year for Combating Poverty and Social Exclusion as well as the new European Platform against Poverty and Social Exclusion, decreasing poverty cannot be achieved without integrating people with disabilities, starting with the field of education and later in the labour market, and adjusting income policies regarding invalidity and disability pensions systems in accordance with point 12 of the EPSCO Council conclusions adopted at its meeting of 30 November 2009, bearing in mind that this process may also lead to stigmatisation;

78. Recognises that early detection and help are vital and fundamental in the case of children with disabilities and must be regarded as long-term investments in an ageing society; observes that families of people with disabilities are more exposed to the risk of poverty and social exclusion, and that special attention should be paid to them;



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79. Calls on the Member States to avoid unjustified cuts in social protection for people with disabilities under the austerity policies introduced in response to the economic crisis, since it is necessary to ensure an acceptable standard of living for them as an inalienable right;

80. States that persons with disabilities are particularly at risk of social exclusion and poverty and highlights the fact that the poverty rate of persons with disabilities is 70 % higher than that of people without disabilities; emphasises that persons with severe or multiple disabilities and single parents with children with disabilities are in the most vulnerable position; calls on the Commission and the Member States to guarantee their rights and take measures to improve their quality of life by providing, inter alia, access to practical information on everyday issues, including by familiarising them with skills-building procedures and services which have an impact on family life;

81. Calls on the Council and the Commission to take further steps and produce regular reports concerning rare diseases and provide real assistance with developing contacts between parents and the specialists living closest to their homes; takes the view that this must be taken into account and assessed in the work of the INSERM organisation; calls on the Commission to promote the establishment of a European network of accredited centres for the diagnosis and treatment of specific forms of rare diseases, in order to coordinate and monitor their activities and the benefits they offer patients;

***Parliament continues to demand a socially sustainable and human-rights-based approach***

82. Confirms that, based on the new rights enacted in the EU Charter, the Commission has the correct approach to equal opportunity: strengthening anti-discrimination, supporting active inclusion politics and raising awareness of disability, including notions of Design for All and Universal Design, and stressing the importance of reasonable accommodation;

83. Calls on the Member States and the Commission swiftly to ratify and implement the United Nations Convention on the Rights of Persons with Disabilities as well as its Optional Protocols and welcomes the Commission's initiative to accede to the Convention's Optional Protocol;

84. Calls on the Council and the Commission to consider concluding an interinstitutional agreement with the European Parliament and to draw up within one year a specific recommendation for Parliament to be involved in monitoring the implementation of the UN CRPD;

85. Calls on the Council to adopt the Commission proposal for a decision on the conclusion by the EU of the Optional Protocol, stressing the fact that the mechanism set up by this Protocol could, with the involvement of the European Parliament, lead to implementation of the UN CRPD by the EU;

86. Calls on the Commission to develop concrete, appropriate, more detailed measures and to set up a monitoring mechanism for all levels of governance in respect of the implementation of the EDS in line with the list of actions of EDS, in close cooperation with the European Parliament;

87. Calls on the Member States to give as much support as possible to suitable measures and tools tailored (apart from the medical aspect) to a higher level of independent life in order to ensure equal opportunities and active life for persons with disabilities and their families;

88. Emphasises the need to help those who can work and want to remain in the labour force, even if they have lost part of their functional capacities; calls on the Member States to promote a culture of inclusiveness and help integrate people with partial work capacity into the labour market;

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89. Calls on the Member States to (re)consider their disability-related actions and national programmes or strategies within the time span and framework of the EDS in accordance with the EU2020 Strategy and the United Nations Convention on the Rights of Persons with Disabilities;
90. Calls on the Commission to present a legislative proposal for a European Accessibility Act as announced in the EDS, stressing the need for strong, binding measures at EU level to improve the accessibility of goods and services for people with disabilities, with a clear roadmap;
91. Calls on the Member States to adopt, with the support of the Commission, specific social measures to ensure equal access to health care, including high-quality health and rehabilitation services for people with mental and physical disabilities;
92. Stresses the importance of research into new therapeutic methods which further facilitate the integration of people with disabilities into society; points out, in this regard, that drama and pet therapy, for instance, are proving to be effective in promoting socialisation and interpersonal communication;
93. Urges the Commission to take the necessary measures to help the visually impaired to carry out business transactions;
94. Calls on the Commission to have stronger disability-related references in the planned revision of the public procurement reform;
95. Calls on the Commission, as per the outcome of the debate following publication of the Green Paper on Pensions, to argue in favour of a cross-cutting policy on disability in the forthcoming white paper, due to be published in the second half of 2011;
96. Calls on the Commission to assess whether further measures taken in the context of the European Structural Funds with special regard to the Rural Development Fund help people with disabilities to be active citizens living in rural areas in Europe;
97. Calls on the Commission and the Council to make every effort to draw up rules on personal screening when using transport services which will guarantee passengers' fundamental rights and dignity and serve the purpose of their journeys, with particular regard to the medical devices, aids and accessories which can be taken on board, and to achieve a clear, common interpretation of the existing security requirements in order to ensure that people with disabilities are not denied the opportunity to travel – in the absence of proper justification and to a disproportionate degree – simply to prevent inconvenience to the service provider;
98. Calls on the Commission to increase efforts to achieve individually-tailored navigation-based services for the blind and those with serious visual impairments and to report on these annually and make specific recommendations – taking into account dynamic technological development – ensuring that progress is made and continuous, multimodal door-to-door transport is possible, as set out in the White Paper entitled 'Towards a competitive and resource efficient transport system';
99. Calls on the Member States to review their provision of health services for people with disabilities, such as encompassing measures relating to physical accessibility to services, training and medical staff, awareness-raising, information provided in accessible formats, customised counselling services, including translation into various languages, and health services customised to the needs of people with disabilities;

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100. Calls on the Commission and the Member States, in giving support to sport and recreation for people with disabilities, to avoid making distinctions when identifying disabilities, and urges the Council to continue its efforts, recalling that the Committee of Ministers of the Council of Europe promised, in 1986, to support sport for people with disabilities;

101. Calls on the Commission and the Council to improve access for people with disabilities in the field of copyright, including the increased exchange of best practices, to support the development of optimum forms of cooperation, and to ensure service providers are governed by appropriate, common and compulsory requirements concerning people with disabilities, with particular emphasis on those with visual impairments;

102. Stresses that, in accordance with the spirit of the UN CRPD, Directive 2005/29/EC on unfair commercial practices – particularly the provision on misleading omissions – is also relevant to people with disabilities;

103. Calls on the Commission and the Council to take action on the basis of the practice and experience of the European Parliament to make ICT barrier-free for deaf people, in accordance with Parliament's 1988 and 1998 decisions, and to report on this annually to the MEP(s) concerned;

104. Calls on the Commission to prepare a study with people with visual impairments in mind analysing the characteristics of the digital displays (interfaces) of industrial and domestic products and alternative, equivalent information solutions for blind people and making specific legislative proposals;

105. Calls on the Member States and Commission to recognise sign language as an official language in the Member States; notes that the Member States should therefore work towards the possibility of such a recognition, in accordance with the Brussels Declaration of 19 November 2010;

106. Calls on the Commission to pay attention to the inclusion of the interests of people with disabilities, in accordance with the UN's Millennium Development Goals, when handling assistance for international relations and development;

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107. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.

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## Modernisation of public procurement

P7\_TA(2011)0454

### European Parliament resolution of 25 October 2011 on modernisation of public procurement (2011/2048(INI))

(2013/C 131 E/03)

*The European Parliament,*

— having regard to Directives 2004/18/EC and 2004/17/EC on procedures for the award of public contracts <sup>(1)</sup> and Directive 2007/66/EC on review procedures concerning the award of public contracts <sup>(2)</sup>,

<sup>(1)</sup> OJ L 134, 30.4.2004.

<sup>(2)</sup> OJ L 335, 20.12.2007, p. 31.