

Integration of people with disabilities

Editorial

"Progressing towards full participation as citizens"

This political commitment, as enshrined in the Malaga Ministerial Declaration on People with Disabilities, has been binding since 8 May 2003 for the competent Ministers of most of the fifty-two countries invited to the Conference. That event gathered around the same table, in addition to ministerial delegations, the highest Council of Europe authorities, representatives of the European Union and of international governmental organisations as well as those of non-governmental organisations.

What is the scope of that commitment, which was undertaken by governmental representatives in front of representatives of civil society, in front of persons with disabilities themselves, who are both the partners in conceiving and implementing the legislative reforms and the beneficiaries of these reforms?

The commitment has, first of all, an emblematic importance: indeed, it stems from a Ministerial Conference which is unique in Europe, a Conference which calls on the Committee of Ministers of the Council of Europe and urges them to promote citizenship of persons with disabilities in the widest acceptance of the word: full enjoyment, without discrimination, of all inalienable rights of every human being and respect for the dignity of individuals as persons, in their uniqueness, with their values, their history, their culture, their intelligence, their abilities, their limits; full participation in the social, cultural and economic life of the community, at all levels: local, regional, national, international; innovative policies in conceiving services increasingly in tune with the requirements of persons with disabilities as citizens and users.

How would we define persons with disabilities? According to the Italian writer Giuseppe Pontiggia, they are persons borne twice (in his book "Nati due volte", which was awarded the Campiello Prize in 2001), because they must learn to live in a world rendered difficult by their first birth: the book is dedicated to persons with disabilities, who are struggling not to become normal, but to become themselves.

The philosophy underlying this book permeates the Council of Europe's approach: the aetiology of disabilities is to be found in society and its attitude, in the environment and not in the individual.

It is the community's duty to reconcile the principle of equal rights with that of respect for differences, for special requirements; it is up to the community to offer a political, constitutional, legal and financial framework which would allow for reaching the objective of equality, not only in theory, but also in practice, in reality.

This objective can only be reached through awareness raising, education, change of mentalities and the political will to provide the necessary financial means. We rely in particular on the valuable support of the Council of Europe Commissioner for Human Rights and the Development Bank of the Council of Europe.

In the Malaga Declaration, Ministers undertake to base their fight against discrimination on the grounds of disability upon binding international instruments which guarantee jurisdictional protection such as the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter (revised).

I hope that the Committee of Ministers of the Council of Europe will endorse the

commitment of the Ministerial Conference and will implement it by strengthening and widening the mission entrusted to the Committee on the Rehabilitation and Integration of People with disabilities (CD-P-RR), the only intergovernmental body in Europe in this field.

This multidisciplinary committee, currently a "Partial Agreement" committee, should shortly become, under the Secretary General's impulsion and in response to the reiterated recommendations by the Parliamentary Assembly, a steering committee comprising all Council of Europe member States; it will henceforth be named "Steering Committee for the Participation of People with disabilities" ("CDPH"). In the light of this, its next session, scheduled to be held from 7 to 10 October this year, will be open to all other Council of Europe member States as observers.

The new society built thanks to the CDPH's action, in co-operation with other relevant Council of Europe steering committees, will see, for instance:

- persons with disabilities accede freely to airports and airplanes, without being asked to show a health certificate, as it will at last have been made clear that "disability" and "disease" are not at all synonymous;
- genuine access of persons with disabilities to beaches, to the theatre, to the cinema, to museums, to leisure facilities being considered as a right, and not as a privilege;
- any discrimination on the grounds of disability being condemned by our European Court of Human Rights, in the name of the universal character of the rights of the human being.

Giulia Podestà Le Poittevin
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EDUARDO ZAPLANA, SPANISH MINISTER FOR LABOUR AND SOCIAL AFFAIRS

Ministerial delegations from 35 European countries met representatives of international organisations and NGOs in Malaga on 7 and 8 May 2003, at the invitation of the Spanish Government, to discuss European policy on persons with disabilities for the next 10 years.



The conference was chaired by Eduardo Zaplana, Spanish Minister for Labour and Social Affairs, who, during several addresses, took stock of the policy pursued in respect of people with disabilities in Europe, highlighting both the successes and the challenges.

1. MALAGA, 2003

Mr Zaplana, speaking at the press conference following the adoption of the final political declaration of the conference, said that Malaga would be a turning point for policies relating to people with disabilities. All the countries represented had undertaken to step up their efforts to achieve something which was both fair and necessary: a better world for persons with disabilities and for their families. In his opinion, this second ministerial conference on integration policies for people with disabilities was a considerable contribution to the European Year of People with Disabilities (2003), a year which ought to represent resolute progress towards an awareness in society of the needs and expectations of persons with disabilities.

2. THE ACHIEVEMENTS OF THE FIRST DECADE

It is 12 years since the first ministerial conference on the theme (held in Paris in 1991), and Mr Zaplana said that substantial progress had clearly been made during this period, with several countries adopting legislative

measures to improve the social integration of persons with disabilities. But the main thing, in his view, was that awareness had grown of the fact that persons with disabilities should, as a matter of law, play a role in society and should be able to shape their own future. He said that close co-operation with NGOs was required so that persons with disabilities could help to devise and implement policies intended to promote their integration. Their expectations had been made clear, and they had rightly called for full participation.

3. IMPEDIMENTS TO FULL CITIZENSHIP

What more needs to be done? How can further progress be made towards full integration? We must no longer focus on assistance, but give priority to the adoption of measures enabling persons with disabilities to be completely independent, according to the Spanish Minister when he addressed the Malaga conference. Such measures must ensure that all impediments to the exercise of fundamental rights are eliminated and that persons with disabilities have full access to public services on an equal footing with everybody else. Thus the final declaration of the conference emphasises, among other points, that access to training and employment, participation in social policy and the development in the media of a positive image of people with disabilities are the main areas for action.

4. SOME SOLUTIONS

After emphasising that the social integration of people with disabilities was a priority aim of the Spanish Government, Mr Zaplana mentioned certain schemes in Spain to help persons with disabilities: the two Employment Plans for People with Disabilities implemented in Spain encouraged the setting up of sheltered employment centres and provided for reduced welfare contributions for firms which took on persons with disabilities. A bill tabled by the government in February 2003

was intended to provide for the future financial needs of persons with disabilities to be met. This kind of action should not be restricted to Europe, in Mr Zaplana's view. He expressed the wish that Europe should be able to serve as a model and a reference point for the rest of the world in the field of the social integration of persons with disabilities, as it did in other fields.

5. WOMEN WITH DISABILITIES

During the Malaga conference, Mr Zaplana said that a different reaction was needed to the twofold discrimination suffered by women with disabilities, who were discriminated against on the grounds of both their sex and their disability. This was why he proposed that the final conclusions of the conference include a recommendation to all Council of Europe member states to adopt specific action plans for the six out of every ten persons with disabilities who were women. He said that this recommendation should outline the path to be followed in order to move towards equality of opportunities.



The ministerial declaration adopted in Malaga, entitled "Progressing towards full participation as citizens", outlined the European Action Plan to be drawn up in the coming months and implemented over the next 10 years.

Raquel Cordoba
Council of Europe Press Officer

Improving the quality of life of people with disabilities: enhancing a coherent policy for and through full participation

At the invitation of the Spanish government, the Second European Conference of Ministers responsible for integration policies for people with disabilities¹⁾ was held in Malaga on 7 and 8 May 2003, with Mr Eduardo Zaplana, Spanish Minister for Labour and Social Affairs, in the Chair.



The general theme of the conference was "Improving the quality of life of people with disabilities: enhancing a coherent policy for and through full participation". Sub-themes were:

1. "Promoting citizenship and full participation by developing effective legal and policy provisions to ensure equality of opportunities for people with disabilities", and
2. "Developing innovative approaches on services, intended to meet the needs of people with disabilities as consumers".

Proposals to enhance the integration of women with disabilities and that of people with disabilities in need of a high level of support were discussed as cross-cut issues.

The main objective of the Conference was to develop common principles which should permeate future disability policy development and public service delivery. To that end, Ministers discussed the achievements and shortcomings of recent and current integration policies for people with disabilities and ways of meeting the new challenges. They exchanged ideas, shared experiences, and discussed measures taken, or to be taken, at national, European and international level to improve the quality of life of people with disabilities.

The Ministerial Conference constitutes one of the major political events of the European Year of People with Disabilities 2003, proclaimed by the European Union.

It was attended by Ministers responsible for integration policies for people with disabilities of Council of Europe member and observer states, or their representatives, and by representatives of the Council of Europe's Committee of Ministers, the Parliamentary Assembly, the Congress of Local and Regional Authorities of Europe (CLRAE), the Council of Europe Development Bank and of several Council of Europe Steering Committees, as well as by the Council of Europe Commissioner for Human Rights. Participants included representatives of the Commission of the European Communities, the International Labour Organisation (ILO), the Organisation for Economic Co-operation and Development (OECD), and international non-governmental organisations of people with disabilities.

For two days, more than 300 participants discussed in plenary session and discussion groups how to guarantee equal opportunities, independent living, full citizenship and active participation in the life of the community for people with disabilities, following the Council of Europe's human rights-based approach to disability issues.

The European disability movement contributed to the debate by, amongst others, presenting the declaration "From words to deeds", adopted at the European NGO Forum on 8 April 2003 in Madrid (see article on page 14).

Ministers promoted the involvement of people with disabilities in decisions affecting them personally, and of organisations of and for people with disabilities in policy making.

Ministers recommended that the Council of Europe continues to promote policies aimed at ensuring full citizenship and active participation of people with disabilities, with the full participation of all member states, and to strengthen its role as a platform for international co-operation in the field of disability policy-making by inviting



the Committee on the Rehabilitation and Integration of People with Disabilities and other relevant Council of Europe committees to further mainstream disability policies within their areas of competence.

They suggested that the Council of Europe contributes to the negotiations in the context of the United Nations *Ad Hoc* Committee established "to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities", by making use of the Council's extensive experience in human rights matters.

The outcome of the deliberations, the "Malaga Ministerial Declaration on People with disabilities: Progressing towards full participation as citizens", initiates the elaboration of a European Action Plan on disability, a new European policy framework on disability, based on human rights and partnership between different actors, involving all policy sectors, empowering individuals, and with the participation of all stakeholders, in order to achieve full citizenship and active participation of people with disabilities in the life of the community: a partnership between governments, social partners and civil society, including disabled people themselves to reach practical solutions and to develop workable, affordable and sustainable policies.

1) The first Conference of Ministers responsible for policies for people with disabilities, "Independent living for people with disabilities" (Paris, 7-8 November 1991) led the Committee of Ministers of the Council of Europe to adopt Recommendation No. R (92) 6 on a coherent policy for people with disabilities.

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"If more monitoring on disabilities is to be carried out, a political will to do it needs to exist"

Newsletter: The theme of the Ministerial Conference in Malaga (7th-8th May 2003) was "Improving the quality of life of people with disabilities". How does the CD-P-RR actually help to achieve this aim?

After the last Ministerial Conference in Paris, the committee produced a framework of what a European member state should consider doing for people with disabilities. It is set out in the 'coherent policy' adopted as a recommendation by the Committee of Ministers in 1992. Since 1992, it has produced a series of recommendations, which set out in great detail how the particular areas of the framework can be achieved, so they are benchmarks, standards, and guidelines for countries as they produce their own frameworks. That's been the main thread of the work running through since 1992.

There was also a lot of work on the International Classification of Impairments, Disabilities and Handicaps, the moves to revise it, and produce a version that better reflected the aims and the ideas of people with disabilities. This largely ended with the publication of the new Classification. There have been various pieces of work to investigate particular aspects in greater depth, like the development of anti-discrimination policies and legislation, vocational assessment and other assessment methods used for social security benefits but also for services... so all aspects that concern the life of people with disabilities. But the main focus has been on the recommendations, so filling in the coherent policy with standards that countries can refer to.

Newsletter: What are the CD-P-RR's strengths and weaknesses?

I think that the main strength has to be the commitment of the people who come to the CD-P-RR. Because it's in a partial agreement, the members have to bear some of the expenses themselves. What is the weakness? That it's been restricted to only roughly 18 member states and the observers, and it has been difficult to persuade new countries to join. In recent

years there have been many more members of the Council of Europe. Many of those countries are going through very difficult economic problems and reconstructions, and for them to send somebody to the meetings of the CD-P-RR has been a big sacrifice. So there have been people who probably wanted to come, but it just was impossible for them to do it.

Newsletter: What priorities has the CD-P-RR adopted in the past, and will this be changing after the Ministerial Conference in Malaga?

We hope that they will change. The CD-P-RR definitely wanted a ministerial conference. After ten years of work, the committee felt it was time to take stock of the position and decide what the future priorities should be. In Malaga there have been important discussions about how far the Council might monitor what countries are doing, as opposed simply to issuing recommendations. Monitoring is not something CD-P-RR has really done, and it would be a big change to do it. It needed the impetus of a ministerial conference to open up discussion of such a change.

Newsletter: Why are monitoring and evaluation so important?

It's a general trend to monitor and evaluate across most governments in most countries. If you decide you want to do something, and you try to set out to do it, how does that have any effect? What is the effect? Sometimes you may find that the effect is not what you intended, and that you have to change the policy and the approach. So monitoring and evaluation is a part of what all governments do.

But I think that one of the messages from people with disabilities is disappointment with the amount of progress in particular countries. This is a definite issue which was raised in the Malaga conference, and clearly if more monitoring is to be carried out, a political will to do it needs to exist, and a ministerial conference is a good way to get a political declaration in favour of such a development. The conclusions of the ministers are important in setting a further framework for further period. I know that there are regular ministerial conferences in some areas. It's been different with disabilities (1991 and now 2003), so ministerial conferences in disabilities have a

high profile and they're important in setting a framework for work to continue.

Newsletter: So if after Malaga the priorities of the committee that you chair do change, would it affect its working methods? In what way?

Yes, they would change the methods, there's no doubt at all. And enlargement from 18 plus observers to 45 members, involving people with disabilities in the organisations which represent them, doing more work on monitoring... these would be big changes, and working methods will have to be changed to carry them out. I would assume in addition that there will still be developments and changes so there would be still work to provide new recommendations and standards. The old work wouldn't stop, but there could be new areas of work, which would mean new working methods. So first there will be a discussion on what should be done, and afterwards a discussion on how to do it.

Newsletter: Do Central and Eastern European Countries need special provisions or can disability policies be tackled at pan-European level?

There are differences across Europe, of course there are, and it would be foolish to deny them. Equally it's clear that needs and situations vary between countries, so the attentions of different countries focus on different issues. This is the challenge to the Council of Europe as a whole, across the continent and across the whole range of its activities, one of them being disabilities. I see the Council of Europe as an attempt to see what is common across Europe, what we can agree on together. And within that agreement, how we help individual countries to deal with their particular problems. It's the justification for having the Council of Europe, to try and to tackle just that sort of issue. So in a peculiar way, if we didn't have these differences as an issue, maybe we wouldn't have a Council of Europe.

"One of the messages from people with disabilities is disappointment with the amount of progress in particular countries"

Interviewer: Raquel Cordoba
Council of Europe Press Officer

European Years are very special occasions. They allow people throughout Europe to focus their attention on a particular issue, to gain strength from being part of a wider Europe and to create a force for change, which involves and concerns each and every one of us. *2003, the European Year of People with Disabilities* is an extra special year, since it is a unique opportunity for disabled people and disability organisations at all levels to help raise awareness of disability as an issue and to promote equal rights and full participation in society for people with disabilities.

The experience of previous European years has shown that a concerted effort to mobilise people in all the member states has the ability to attract considerable attention to such issues. The "Year" is hoped to act as a catalyst for social change and contributes in its own way to triggering a process changing attitudes towards disability and people with disabilities.

For achieving this objective everyone has a role to play. All parts of our society, all stakeholders need to be involved in the actions and activities, which are being planned across the European Union for 2003. The European Commission is managing a promotional and information campaign which aims to encourage all to "get on board" of the European Year and



support directly the work of the member states. Numerous activities have indeed been planned: small local activities like theatre events, concerts and arts exhibitions; national events - which find enormous attention in the media - and a number of international conferences. We appreciate, in particular, that the 2nd Ministerial Conference of Ministers responsible for integration policies for people with disabilities organised by the Council of Europe coincides with the "Year".

The key questions raised in the numerous events taking place are:

- How can we overcome the obstacles and barriers that people with disabilities face every day?
- How can the quality of life be improved?
- How can we make sure that people with disabilities enjoy equal rights and participate fully in society?

The answers to these questions are not always easy to find. They are related to various policy areas. Competencies in

disability matters are subject to different provisions in the member states. All progress will therefore require time and effort from all stakeholders.

We would like to build upon the impetus generated by the European Year and present a Communication by the end of 2003 on the follow up to the European Year of People with Disabilities. The Communication will look at disability issues in a comprehensive way and will build upon the achievements made by the variety of initiatives taking place within the Year. We want to set out a sustainable way forward based on mainstreaming of disabilities into all relevant policy fields. All actions will be developed in the context of an enlarged European Union of 25 member states. A successful European Year will thus serve as a starting point for long-term future action.

European Year: <http://www.eypd2003.org/>

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THE COUNCIL OF EUROPE PARTIAL AGREEMENT IN THE SOCIAL AND PUBLIC HEALTH FIELD

When some member States wish to participate in an activity in a particular domain but other European partners do not, they may set up a "partial agreement" to which only they are committed.

The Partial Agreement in the social and public health field was concluded in 1959 and revised in 1996 (with effect from 1st January 1997) by the Council of Europe Committee of Ministers. Today, only Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Slovenia, Spain, Sweden, Switzerland and the United Kingdom are members of the Partial Agreement. Some other member States have Observer status (Canada, Estonia, Hungary, Iceland, Latvia, Lithuania, Poland and Romania). They work together to foster social

cohesion and improve the quality of life in Europe for genuine enjoyment of fundamental human rights and respect of human dignity by raising the level of:

- health protection of consumers (public health); and
- integration of persons with disabilities into the community on the basis of the principles of full citizenship, equal opportunities, independent living and active participation.

In the sphere of integration of people with disabilities, co-operation between states is ensured by the Committee on the Rehabilitation and Integration of People with Disabilities (CD-P-RR). This Committee has carried out various studies and drawn up resolutions or recommendations which have been adopted in the area of accessibility,

ageing of persons with disabilities, discrimination, assessment of disabilities, employment, teachers' training as well as in the fields of new technologies, violence and abuse against people with disabilities, sign language and life in the community. Particular efforts have been undertaken recently in favour of women with disabilities.

This work has been a continual source of inspiration for member states in connection with their legislative and administrative arrangements to improve the integration of persons with disabilities. In order to extend the impact of these measures to a larger geographical area assistance activities are carried out in countries of central and eastern Europe, mostly non-members of the Partial Agreement but some are observers.

Following articles present the work which has recently been or is currently being carried out by the Partial Agreement.

Discrimination against people with disabilities

Recommendation No. R (92) 6 on a coherent policy for people with disabilities: "Considering that failure to protect the rights of citizens with disabilities and improve their opportunities is a violation of human dignity...".

Despite constant achievements in the field of rehabilitation and integration, many people with disabilities in today's Europe still feel discriminated against. This discrimination may be direct or indirect, it may occur *ad hoc* on a spontaneous basis or it may be of regular, almost systemic nature. Therefore, many Council of Europe member states strive towards equal opportunities policies. However, since there is considerable variation in the approaches adopted, the Council saw the value in analysing the various approaches taken and responses given by its member states.

The Report *Legislation to counter discrimination against persons with disabilities* is a comparative analysis that takes stock of existing legislation, covering all areas of life, such as education, mobility, accessibility, vocational guidance and training, employment, sports, leisure and culture, medical care, etc.

Based on contributions from member states, organisations of and for people with disabilities, as well as social partners, the study identifies three main approaches to achieving equality of opportunity: anti-discrimination legislation, preferential treatment, and compensatory measures.

Governments are recommended to apply a balanced "policy mix" of legislative and other counter-measures as well as positive, affirmative action to eliminate discrimination on the grounds of disability and to achieve full citizenship for people with disabilities. Solutions should be developed with the participation of people with disabilities or organisations representing them. The report explicitly stresses the need to couple legislative action with public-awareness raising.

The first edition of the report was published on the occasion of the 50th anniversary of the European

Convention on Human Rights. An updated version has been prepared for the Second European Conference of Ministers responsible for integration policies for people with disabilities, Malaga, Spain, 7-8 May 2003.

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Discrimination against women with disabilities

The situation of women with disabilities in Europe has to date been given neither as much publicity nor as much political importance as it deserves. A drafting group, made up mainly of women with disabilities, therefore recently examined, compiled a list of and analysed aspects of discrimination against women with disabilities and proposed instruments, measures and activities to guarantee equal opportunities. The report, entitled "Discrimination against Women with Disabilities", will be presented to the Second European Conference of Ministers responsible for Integration Policies for People with Disabilities (7 and 8 May 2003 in Malaga). It should be published in late May 2003.

A number of areas have been identified as crucial: education and training, employment, social policy, participation and access to decision-making, sexuality, prejudices and society's perception of women with disabilities, motherhood, community and domestic life, and violence. Numerous forms of discrimination against these women are described and illustrated by case-studies.

For example, failure to offer vocational rehabilitation after an accident is more readily accepted if the victim is a woman rather than a man. As regards financial independence, people are more likely to think that women with disabilities should be financially supported by someone even if they have the ability to study and work. In a society that places a premium on female youth and beauty it is not easy to be a woman with a disability. A man's right to sexuality is readily accepted but women with disabilities are often seen as sexless, although they are sexually abused more frequently. In certain respects they are victims of the fact that they are women, whereas in others this very fact goes unacknowledged. They are denied the right

Parliamentary Assembly: Towards full social inclusion of persons with disabilities

In January 2003, the Parliamentary Assembly adopted *Recommendation 1592 (2003) Towards full social inclusion of persons with disabilities*. Ten years ago, following the 1991 First European Conference of Ministers responsible for integration policies for people with disabilities, the Assembly adopted its *Recommendation 1185 (1992) on rehabilitation policies for the disabled* and the Committee of Ministers adopted its *Recommendation No. R (92) 6 on a coherent policy for people with disabilities*. The issues raised in the recommendations remain highly relevant, particularly with a view to taking stock of achievements and identifying remaining obstacles to the social inclusion of people with disabilities in Europe.

The enlargement of the Council of Europe to countries in central and eastern Europe and the prospect of the enlargement of the European Union has created a favourable political context to advance human rights and social policies, including policies for the inclusion of people with disabilities. The Parliamentary Assembly therefore strongly supports the initiative of the Council of Europe and the Spanish Government to hold the Second European Conference of Ministers responsible for integration policies for people with disabilities in Malaga on 7 - 8 May 2003, which represents an opportunity to set forth the European disability policy agenda for the next decade and identify key areas of action where progress is yet to be made.

It is of concern that some of the fundamental rights contained in the European Convention for the Protection of Human Rights and Fundamental Freedoms, its Protocols, and the European Social Charter (Revised) are still inaccessible to many people with disabilities: the right to education; the right to work; the right to private and family life; the right to protection of health and social security; the right to protection against poverty and social exclusion; the right to adequate housing, etc.

The right to receive support and assistance, although essential to improving the quality of life of people with disabilities, is not sufficient. Guaranteeing access to equal political, social, economic and

to found a family, but they are often obliged to take care of the family they were born into. Women with disabilities suffer from prejudice and ignorance, even on the part of their families.

The policies to be pursued must enable them to live an independent life, to work so as to be self-sufficient, to choose their private life, their job or their family life, to attend ordinary schools, to do ordinary jobs, to visit public and private places like anyone else, and must allow society to benefit from their experience, abilities and talents.

In order to secure equal treatment for women with disabilities, it is not enough to avoid discrimination or adopt positive or compensatory measures, as in the case of people with disabilities in general. Gender awareness, ie an awareness of the concept of the difference between the sexes, must be a prime consideration when policies are being decided upon in all fields. There must also be a conscious effort to achieve equality.

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Accessibility and Universal Design

Architectural obstacles and barriers in the built environment still exclude many people with disabilities from full participation in the life of the community.

The man-made environment is constructed on the assumption of there being an "average person". However, there is no standardized person. Since every individual deviates from "the norm" in one way or another (age, height, width, weight, strength, speed, sight, hearing, stamina, mental capacities, etc.), faculties built for the "average person" are not necessarily equally accessible for everybody.

In the past, the problem of accessibility was considered a direct result of the individual's deviation from "the norm". The person was the "exception", hence the "problem". Following an itemized approach, the most common response to accessibility problems has been to add special facilities to a building, such as ramps or wider doors. This response,

however, reinforces the idea that certain individuals are "exceptions to the rule" and stigmatizes them by obliging them to use, for example, separate entrances, often at the rear of the building.

The new integrated approach based on Universal Design principles aims to respond equally to the needs of everyone. Everyone should be able to enter and use any part of the built environment as independently and naturally as possible. The criteria defining "normality" should be enlarged and a new awareness of design and construction is needed to ensure that henceforth the construction of the built environment is based on universal design principles.

To this end, the 2001 Council of Europe Resolution on Universal Design¹⁾ takes a pro-active approach by recommending the incorporation of universal design principles into the curricula of architects, engineers and town planners, and, by and large, into the training of all vocations working on the built environment. It is thus to be hoped that principles of Universal Design would be taken into account already in the design process, avoiding the need to add on costly features to improve the accessibility of any given construction, as a result of an afterthought. Such an approach would be of benefit not only to people with disabilities but to all users, amongst whom in particular to parents with prams or pushchairs, elderly people or shoppers with trolleys, travelers with baggage, injured people (a broken leg for example), etc.

As early as 1972 the Council of Europe recommended the use of Rehabilitation International's access symbol (white wheelchair user on blue background), - today a well-established international practice. Specific technical norms and dimensions were published in 1979 and general accessibility principles and guidelines in 1993. The 1992 landmark Recommendation on a coherent policy for people with disabilities urged member states to remove all obstacles in the built environment and in society to make it possible for people with disabilities to fully participate in the life of the community. The Council of Europe will continue to strive for the protection and promotion of human rights and fundamental freedoms, as well

cultural rights should be a common political objective for the next decade. Equal status, inclusion, full citizenship, and the right to choose should be further promoted and implemented.

In some member states, policies concerning people with disabilities have been gradually evolving over the last decade from an institutional approach, considering people with disabilities as "patients", to a more holistic approach viewing them as "citizens", who have a right to individual support and self-determination. This process of change should be more widespread using 2003, as the "European Year of People with Disabilities", as an opportunity to make a real change in attitudes towards people with disabilities and their rights in all Council of Europe member states.

The Assembly recommends that, in the course of European Year 2003, the Committee of Ministers invite all member states to report regularly on progress made in the implementation of its *Recommendation No. R (92) 6 on a coherent policy for people with disabilities* and to invite member states which have not yet done so, to accede to the Council of Europe Partial Agreement in the Social and Public Health Field. It also recommends that explicit reference to discrimination on the grounds of disability be included in the two main Council of Europe legal instruments: the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 14) and the European Social Charter (Revised) (Part V, Article E). The Council of Europe should also play an active role in the United Nations initiative to draft proposals for a comprehensive international convention, and adopt an Action Plan for the full social inclusion of people with disabilities in Europe, as a follow-up to the Second Ministerial Conference in Malaga.

In practical terms, the Assembly recommends establishing an in-house code of good practice to ensure accessibility of Council of Europe premises, accessibility of all Council of Europe web sites, printed material in alternative formats, inclusion of disability requirements in its procurement policy, and employment of a higher percentage of people with disabilities.

In April 2003, the Parliamentary Assembly adopted a more specific *Recommendation 1598 (2003) on Protection of sign lan-*

as social cohesion, by assisting in the creation of barrier-free and inclusive societies in Europe.

1) *Resolution ResAP (2001) 1 on the introduction of the principles of universal design into the curricula of all occupations working on the built environment* (<http://cm.coe.int/ta/res/resAP/2001/2001xp1.htm>)

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Assessing disability in Europe

The allocation of disability benefits in cash and in kind depends on the definition of disability applied, and on the type of disability assessment used.

The Council of Europe Report "Assessing disability in Europe – similarities and differences" is a comparative study of disability assessment methods which analyses the various criteria governing the granting of disability benefits in 22 Council of Europe member states.

Four basic approaches to disability assessment have been identified and examined: barema methods, care needs assessment, functional capacity determination and economic loss estimation.

The report also describes the role and responsibilities of multidisciplinary teams in determining the allocation of allowances and personal assistance and, more particularly, in evaluating the person's potential for professional and social (re)habilitation and (re)integration ("rehabilitation before pension").

Drawn up by the Council of Europe Committee on the Rehabilitation and Integration of People with disabilities the report is based on contributions from member states' governments and international non-governmental organisations.

The study highlights the need for more research, cross-border communication and further harmonisation of disability assessment methods in Europe in order to move towards greater homogeneity of systems.

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Employment of persons with disabilities

As employment is a key factor in social integration and independence, the Council of Europe has concerned itself with all forms of vocational integration of people with disabilities. Recommendation No. R (92)6 on a coherent policy for people with disabilities, the main instrument as regards the rehabilitation of disabled people, contains a section on vocational integration as well as vocational training. Since then, various committees have sought to amplify and extend the scope of the Recommendation, focusing first on sheltered employment and then on ordinary employment.

Alongside a study conducted in 1992 by the European Commission, then composed of twelve Member States, the Council of Europe carried out a comparative review of sheltered employment which was published in 1997 under the heading "Sheltered employment in five member states of the Council of Europe". Sheltered employment institutions, which cater for different target groups, under a wide variety of legal and financial arrangements, fulfill their basic purpose, which is to provide the individuals concerned with paid employment. In all countries, however, the move from sheltered employment to ordinary employment is still the exception rather than the rule.

The debate has thus focused on this transition, with calls for more flexible institutional arrangements, while avoiding rigid distinctions between sheltered employment and ordinary employment. These proposals, along with periodic individual assessments and the opportunity to return to sheltered employment if the move does not work out, are described in the Report *The transition from sheltered to ordinary employment* (1996).

In keeping with the general principle of inclusion, new types of sheltered employment more closely integrated into the ordinary workplace are emerging. One example is supported employment, an Anglo-Saxon concept meaning a package of support measures focused on the individual. This and other examples of good practice and innovative measures are described in *Employment strategies to promote equal opportunities for persons with disabilities on the labour market* (2000).

guages in the member states of the Council of Europe, recommending that the Committee of Ministers devise a specific legal instrument on the rights of sign language users and consider drafting a protocol to the European Charter for Regional or Minority Languages incorporating sign languages into the Charter among the non-territorial minority languages.

The full texts of the two recommendations and the proceedings of the debates can be consulted on the website of the Parliamentary Assembly under the links "adopted texts" and "records".

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Congress of Local and Regional Authorities of Europe: the contribution to EYPD 2003

The Committee on Social Cohesion of the Congress of Local and Regional Authorities of Europe (CLRAE) has recently looked into the role of local and regional authorities in facilitating access to employment, particularly for the most vulnerable sectors of the population.

With the assistance of Mr Francisco Gonzalez and Ms Lina Gavira, experts from Seville University, the committee prepared a *Report on Employment and vulnerable groups: the role of local and regional authorities*, which it provisionally approved on 14 March 2003, and also drew up a draft resolution and recommendation for adoption by the CLRAE at its plenary session on 21 May 2003.

The report focuses on three vulnerable groups: people with disabilities, persons (previously unemployed) who have set up in business, and immigrants and ethnic minorities. The conclusions draw attention to the fact that co-ordination between the various tiers of government needs to be improved, especially when policies are being prepared, and that active policies should be implemented for all three groups.

Five guiding principles were identified to improve these policies:

- avoid discrimination and guarantee equal opportunities;

Also worth noting are the efforts to shift the focus of vocational assessment, in order to highlight the potential and skills of the individual concerned. Resolution Res AP (95) 3 on a Charter on the vocational assessment of people with disabilities calls for assessments to be based on people's abilities rather than their disabilities, and for these abilities to be matched to specific job requirements.

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New technologies and people with disabilities

New technologies such as the Internet and other information and communication technologies open up endless possibilities potentially leading to a better quality of life. However, many people with disabilities are at risk of being excluded due to newly created obstacles and barriers caused by inappropriate technology design or provision.

The Council of Europe, striving for the protection of human rights and the promotion of social cohesion, adopted Resolution ResAP (2001)3 "Towards full citizenship of persons with disabilities through inclusive new technologies" in order to bridge the digital divide and create barrier-free societies in Europe.

The Resolution takes as a starting point the right of all individuals, including persons with disabilities, to equality of opportunity, freedom of choice, independent living, full citizenship and active participation in the life of the community. This includes the right of access to and use of technology.

It recommends drawing up national strategies to ensure that persons with disabilities benefit from the manifold opportunities of new technologies, particularly in the priority policy areas: education, vocational guidance and training, employment, social integration and environment, training of stakeholders, prevention, identification and diagnosis, medical rehabilitation, research & development, and electronic government.

All products and services for people with disabilities should take account of the following principles: availability, accessibility, affordability, awareness, appropriateness, attractiveness, adaptability, usability, and compatibility.

To that end, a co-ordinated set of measures should be developed, applying the following instruments: legislation and regulations, design for all, user involvement, standardisation, centres of excellence, public procurement policies, evaluation, international exchange of information, and international follow-up.

The Resolution is complemented by the Report *The impact of new technologies on the quality of life of people with disabilities*. It takes into account the different types of disability, covering not only physical and sensorial impairments, but also intellectual disabilities, mental illnesses and restrictions in social participation due to personal or environmental factors.

The report includes examples of good practice and indicates the strengths, weaknesses, opportunities and threats of new technologies for enhancing the quality of life of persons with disabilities.

The conclusions show that new technologies can improve the quality of life for persons with disabilities, provided a coherent set of actions is put in place in order to avoid new technologies creating new barriers for groups which are at risk of exclusion due to particular disabilities and in order to attain a society for all.

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Safeguarding children and adults with disabilities against abuse

Protection for children and adults with disabilities in our society is a priority which goes hand in hand with the Council of Europe's broader agenda to promote integration and social inclusion of people with disabilities.

- provide proper jobs so as to guarantee genuine integration through employment;
- reconcile family and working life;
- ensure greater flexibility to take account of different needs;
- offer secure employment.

With regard to people with disabilities, the report points out that the devolution of responsibility for social policies and employment measures has given local and regional authorities and NGOs a new role. Interesting partnership-based initiatives are being developed, involving horizontal co-ordination at local level or, more frequently, EU-funded projects promoting employment and equal opportunities.

In the majority of countries, this particular group - unlike the other two - is, as a rule, well organised in terms of associations and local and regional federations, whose members often suffer from the same type of disability. In many countries, such associations have generated a strong voluntary sector lobbying for the rights of people with disabilities. This movement has prompted specific policies aimed at ensuring the social and vocational integration of people with disabilities.

Local cross-sectoral policies concerning the day-to-day management of various issues - such as eliminating physical and cultural barriers in towns and cities - and specific strategies and measures to encourage the employment of people with disabilities have been devised.

One of the reasons why many European countries have managed to improve the systems for protecting this group has been that people with disabilities and their families have organised themselves effectively and triggered pioneering initiatives, often in co-operation with local authorities, to establish training courses, vocational guidance and specific assistance for the occupational and social integration of this target group and their families. There are also schemes to provide special protection for gainful employment and sheltered employment, including experiments in self-employment.

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People with disabilities are deemed to be particularly vulnerable to acts of violence. A group of experts has looked into the problem and drawn up practical recommendations on how to counter and prevent such abuse. The report and recommendations were published in 2002 under the title *Safeguarding adults and children with disabilities against abuse*.

The report contains a definition of violence against people with disabilities which includes physical violence, sexual abuse, psychological threats, financial abuse and neglect. Such violence may be committed by anyone anywhere and all disabled people are potential victims. The report considers the types of abuse and ill-treatment to which children and adults with disabilities are subjected. It reveals the extent and nature of the abuse, seeks to protect people with disabilities from intended or inadvertent harm and encourages the adoption of special protective measures.

The report provides:

- case studies to show how the lives of people with disabilities are affected;
- an overview and evaluation of research and recent sources of information on the question;
- suggestions as to how to improve the legal framework and enforce it;
- information to help professionals assess risk to people with disabilities;
- examples of good practice in developing and introducing policies and services which give people with disabilities better protection both in institutions and in the community.

The recommendations include measures to prevent abuse (primary stage), ensure that it is promptly identified, reported and investigated, preventing recurrence (secondary stage), and facilitate treatment (tertiary stage).

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Assistance activities

Since the Council of Europe opened up to central and eastern European countries, co-operation activities under the assistance programmes have:

- dealt with legislative reform, definition of the various disabilities and implementation of overall policy for integrating people with disabilities;
- helped countries acquire the scientific, technological and administrative autonomy to develop rehabilitation centres - including centres for making, assembling and fitting prostheses and appliances;
- promoted autonomy for people with disabilities at school, in the family and in the community.

In co-operation, for example, with Slovenia's National Rehabilitation Institute, a seminar was held in Ljubljana for teams of doctors, prosthetists/orthotists and physiotherapists from the former Yugoslavia and neighbouring countries.

It provided rehabilitation specialists with training in post-operative treatment of victims of anti-personnel mines, fitting them with appliances, a range of technologies and the principles of prosthesis/orthosis prescription. The seminar was the first opportunity since the war for rehabilitation specialists in the region to meet and compare notes. Co-operation with former Yugoslavia's most modern rehabilitation centre was of particular value as the centre is engaged in primary rehabilitation of victims of anti-personnel mines. There were thus opportunities for case discussion with war-disabled patients.

Assistance activities in rehabilitation and integration of people with disabilities of whatever kind are based on bringing together local skills and the longer-standing member countries' expertise.

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Commissioner for Human Rights: *The protection of the rights of persons with mental disabilities in Europe*



In the course of many of his official visits to the member States of the Council of Europe the Commissioner for Human Rights has had occasion to examine the situation regarding the respect of the rights of persons with mental disabilities. He has visited several psychiatric institutions and discussed this issue with NGOs and national authorities. All too often the conclusions have been worrying.

On the basis of these findings, and to mark the *European Year of People with Disabilities 2003*, the Commissioner organized a seminar in Copenhagen in January this year to raise awareness and work towards finding solutions to the many problems that remain in guaranteeing the respect for the fundamental rights of persons with mental disabilities.

The most immediate problems in the countries visited by the Commissioner arise in respect of the rights of residents of psychiatric institutions. Dilapidated material surroundings, remote locations, inadequate care and poorly trained staff often give rise to serious violations of fundamental rights. Whilst economic difficulties clearly present obstacles, significant improvements in the living conditions and quality of care in such institutions could, with the necessary political will, often be provided at little extra cost.

Persons with mental disabilities frequently face considerable obstacles in accessing their rights. Rights to privacy are not always respected in psychiatric institutions, legal aid remains difficult to access and the practices regarding the judicial finding of incapacity and placement under guardianship are often far from satisfactory. Practices relating to compulsory placement and treatment also require review in several countries. The extension of community care services represents an important task for several countries, decreasing the pres-

Access to social rights for people with disabilities

The Report on *Access to Social Rights in Europe*, drawn up by Professor Mary Daly (Queen's University, Belfast) with the assistance of an editorial group comprising experts from various Council of Europe member states, was published and officially presented at the "Malta Conference" on access to social rights in November 2002.

This report is a unique and original contribution to the debate on preventing social exclusion in Europe. It is based mainly on the conclusions of the specialist groups responsible for drawing up guidelines on access to social protection, access to housing and local partnerships and on Recommendation CM (2001) 12 on the adaptation of health care services to the demand for health care and health care services of people in marginal situations.

These conclusions highlight the need to pay special attention to the issue of access to social rights, particularly for people who belong to vulnerable sectors of the population. They also underline the need to address the issue of access to rights while bearing in mind the interaction between different rights, as non-access to one right may easily hamper access to another.

The report on *Access to social rights in Europe* has aroused considerable interest and will be available in spring 2003 in 16 languages. Several member states also intend to hold seminars to study the recommendations in this report in greater depth, in the light of their national context.

All these activities, carried out under the auspices of the CDCS, have, in one way or another, highlighted the fact that all Council of Europe member states face the problem of ensuring that vulnerable groups have access to various social rights.

People with disabilities have repeatedly been identified as one of

the vulnerable groups of people who, every day have to overcome many obstacles in order to demand and then enjoy their right to social protection, employment, housing, health or education.

The CDCS therefore decided to prepare a report on access to social rights for people with disabilities, taking account of all relevant Council of Europe work, especially that produced by the groups of specialists and experts on access to social protection (CS-PS), access to housing (CS-LO), on promoting access to employment (CS-EM) and on the adaptation of health care services to the demand for health care and health care services of people in marginal situations (SP-SPM).

The main purpose of this report is to highlight the areas of activity and everyday life in which special attention must be paid to ensuring that people with disabilities have access to their rights as well as the obstacles which still need to be eliminated to ensure that these rights are respected. Another objective is to present, on the basis of the work of the "access groups", examples of situations in which these obstacles have been overcome in a practical and effective manner.

A group of specialists, composed of experts from the CD-P-RR and the CDCS, will guide the work of the consultant in charge of drafting the *Report on Access to social rights for people with disabilities*. This report will be one of the Council of Europe's contributions to raising awareness of the situation of people with disabilities in Europe during European Year of People with Disabilities 2003. The results of this work will be presented in late 2003.

Marc Maudinet, Expert consultant in charge of drafting the *Report on Access to social rights for people with disabilities*.

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sure on over-burdened institutions and encouraging the greater integration of persons with mental disabilities in society.

Integration represents, indeed, the greatest challenge of all. The fulfilment of the full potential of persons with mental disabilities, as with all other disabled persons, must remain the ultimate goal. This is a broader task implicating not just specialist services and care providers, but the whole of society and requiring a significant shift in mentalities – a shift from exclusion to inclusion, from segregation to integration. The recognition of and respect for the rights of disabled persons is central to this development. At the same time, however, education and awareness raising remains vital to the construction of a society ready to acknowledge, accommodate and respect the difference and dignity of all persons with mental disabilities.

Website: http://www.coe.int/T/E/Commissioner_H.R/Communication_Unit/

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Bioethics activities of the Council of Europe

The Council of Europe's bioethics work aims to ensure respect for human rights and to protect vulnerable people in the context of biomedicine. Physical or mental illness or disability can make a person vulnerable, but people are particularly vulnerable when they cannot take their own health care decisions (for example, because they cannot understand the necessary information even when presented simply and using optimal communication methods).

However, having a disability or handicap should never be equated with inability to consent – many disabled people can and do take their own health care decisions. If a person cannot make all such decisions, Recommendation R(99)4, on the principles concerning the legal protection of incapable adults, emphasises the principle of maximum preservation of capacity, which aims to ensure that a person can personally make any decision of which they are capable. Hence, the main focus of the Council of Europe's bioethics instruments is not on a person's disability or handicap, but on whether the person can (or cannot) make their own health care decisions.

Social indicators relating to persons with disabilities

The *Guidebook on Using Social Cohesion Indicators* prepared by the Council of Europe, in which specific indicators are suggested for persons with disabilities, spans a range of considerations set out below.

Social issues relating to persons with disabilities are frequently approached from the angle of equal access, with concern that these persons should have access to education, to further training, to employment, to a minimum income, to health care, to services (in such fields as transport and housing), with account being taken of their specific needs. Tackling the problem from the social cohesion viewpoint leads us to broaden this approach in two directions: firstly going beyond the assistance approach to consider persons with disabilities in terms of their well-being as full citizens, and secondly taking account of the less visible aspects of social cohesion relating to their integration into society.

When account is taken of the well-being of persons with disabilities as citizens, we can identify indicators at four levels:

- equity and absence of discrimination in access to vital areas of life: education, job training, income, housing, health care etc. Here, the indicators are comparative ones (comparing the situation of persons with disabilities with that of the population in general) and indicators which take account of their specific needs (such as indicators of appropriate services in transport facilities and at the workplace, indicators relating to the existence and quality of schools and specialised training establishments and of specific health services, etc);
- dignity and recognition: these indicators relate *inter alia* to the treatment of persons with disabilities in the family and at the workplace, and to the recognition and valuing of their specific abilities;

- independence and personal development, taking account of such matters as the possibility to build an independent family and working life and to achieve career progression (indicators involving comparisons with the population in general);
- participation and commitment as citizens: this relates to ways in which persons with disabilities organise to defend their own interests, to their participation in local associations, to their taking on of elective office, etc, as well as to society's commitment to persons with disabilities (existence of specific charters, agreements, and so on, and level of consultation with the persons concerned).

The less visible aspects of social cohesion taken into account encompass the perception of persons with disabilities by other groups within society, the degree of satisfaction of persons with disabilities themselves, their confidence in the future and in institutions, the values which they share or do not share with the rest of society and the ties that they develop among themselves and with other citizens. Social ties, for instance, are a particularly important issue which needs to be covered by specific surveys.

And, if they are to be relevant, social indicators cannot be restricted to a general analysis of the situation of persons with disabilities in respect of each of the aforementioned points, but must also enable situations to be detected in which distress exists, situations frequently concealed by average figures which may at first sight seem satisfactory. For this reason, an effort will be made to develop specific indicators relating to the persons with the worst disabilities and to those who are isolated or live in situations where there is a risk of marginalisation (poor families, emigrants, ethnic minorities, and so on).

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The Convention on Human Rights and Biomedicine (1997) was the first international legally binding text in bioethics. It sets out the general principle that applies to interventions on a person not able to consent – that of the person's direct benefit, and two strictly regulated exceptions concerning donation of regenerative tissue such as bone marrow to a sibling, and research which, although of no immediate benefit, could benefit the person or others in the same situation in the future (for example by discovering more about the causes of the person's ill-health).

Detailed Protocols covering specific areas will supplement the Convention. The Protocol concerning transplantation of organs and tissues (2002) clarifies the circumstances in which a person unable to consent can donate cells. A Recommendation on xenotransplantation (where either animal tissue, or material that has had contact with live animal tissue, is transplanted) is under preparation.

Other Protocols under development concern biomedical research, where a consultation text was issued in 2001, and human genetics. A *Working document on the application of genetics for health purposes* was made public at the start of 2003. Both documents consider the protection of persons unable to consent in their respective fields.

When a person has a serious mental disorder, risks of harm to the person concerned or to others may need to be considered in addition to the person's capacity to consent. A Working Party of the Steering Committee on Bioethics is developing guidelines on the protection of people suffering from mental disorder, especially those involuntarily detained in a psychiatric establishment. The Working Party published a "White Paper" for public consultation in 2000, which sought views on the scope of the guidelines, and (amongst other things) potential criteria that should be used for involuntary placement, involuntary treatment, for review and termination of involuntary detention, and for quality standards in the implementation of mental health legislation.

The Council of Europe's public bioethics documents can be found on the Website: www.coe.int/bioethics.

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The European Social Charter is the counterpart to the European Convention on Human Rights in the field of economic and social rights. It sets out rights and freedoms and establishes a supervisory mechanism based on reports and collective complaints, guaranteeing their respect by the States Parties. The 1996 Revised European Social Charter, which came into force in 1999, is gradually replacing the initial 1961 treaty and is guaranteeing a wide range of rights: right relating to housing, health, education, employment, social protection, movement of persons and non-discrimination.

All provisions of the Charter are applicable to persons with disabilities, further Article E of the Charter (Revised) contains a non-discrimination clause: "the enjoyment of the rights set forth shall be secured without discrimination on any ground." This prohibits discrimination, *inter alia*, on the ground of disability. This requires that persons with disabilities have equal access to the rights guaranteed by the Charter.

In addition, the Charter contains specific rights relating to persons with disabilities contained in Article 15. This article applies in respect of all disabilities: physical, mental and intellectual. It is comprised of three paragraphs. Its overall aim is to ensure the effective exercise of the rights to independence, social integration, and participation in the life of the community.

Article 15, Para 1 - the right to education and training

All persons with disabilities have a right to education and training. Education encompasses general education: basic compulsory education and further education as well as vocational training in the traditional sense.

Persons with disabilities should be integrated into mainstream facilities: education and training should be made available within the framework of ordinary schemes and only where this is not possible through special facilities.

Article 15, Para 2 - the right to employment

This provision requires states to guarantee access to employment on the open labour market for persons with disabilities - this is clear from the text which refers to adjusting working conditions to the needs of persons with disabilities. States enjoy a margin of appreciation in the measures they adopt to enable this, however anti-discrimination legislation and protection against dismissal is required.

Sheltered employment facilities must be reserved for those persons with disabilities

who cannot and only by reason of their disability be integrated into the open labour market - should be the exception - and should aim to assist workers to migrate to the open labour market. People working in sheltered employment facilities, where production is the main activity, must enjoy the usual benefits of labour law and in particular the right to fair remuneration and respect for trade union rights.

Article 15, Para 3 - the right to social integration and participation in the life of the community

The third paragraph obliges states to adopt a coherent policy in the disability context - positive action measures to overcome the barriers to communication (which includes telecommunications and new information technology) and mobility in order to enable access to transport (land, rail, sea, air) housing (public, social and private), cultural activities and leisure (social activities and sporting activities). Such measures should have a clear legal basis, people themselves should have a voice in the design, implementation and review of such measures and there must be non-discrimination legislation in relation to disability covering all areas mentioned in this paragraph.

Until 1998, the only supervisory system in place for the Charter was the reporting procedure. The collective complaints procedure, which came into force in 1998, is a unique and pioneering procedure whereby complaints of violations of the Charter may be lodged with the European Committee of Social Rights (ECSR).

It should be highlighted that the first collective complaint concerning Article 15 is currently pending (Complaint No 13/2002 *Autisme Europe v France*). This complaint lodged in July 2002 relates to Article 15, Article 17 (right of children and young persons social, legal and economic protection and includes the right to education) and to Article E (non-discrimination) of the Revised Charter. It alleges insufficient educational provision for persons with autism constituting a violation of the above-mentioned provisions. The ECSR declared the complaint admissible in December 2002. A decision on the merits should be made public by the end of the year.

For further information consult the Website: http://www.coe.int/T/E/Human_Rights/Esc/

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The ILO Disability Programme: Promoting Decent Work for People with Disabilities

The primary goal of the International Labour Organisation is to promote opportunities for women and men, including those with disabilities, to obtain decent and productive work in conditions of freedom, equity, security and human dignity.

The ILO's Disability Programme, like other ILO programmes, is based on the conviction that work is a fundamental element of personal fulfilment, social integration and recognition; and work of decent quality is the most effective means of escaping the vicious circle of marginalisation, poverty and social exclusion. People with disabilities are frequently trapped in this vicious circle, and positive action is needed to assist them in breaking out of it.

The ILO No. 159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983, calls upon countries to develop a national policy concerning the vocational rehabilitation and employment of people with disabilities on the principles of:

- equality of opportunity;
- equality of treatment;
- mainstreaming of training and employment opportunities.

Policies, programmes and services should be developed in consultation between governments, employers' and workers' organisations, and organisations of or for people with disabilities.

The ILO Code of Practice on Managing Disability in the Workplace, agreed by tripartite partners in 2001, provides practical guidelines to all employers in promoting opportunities for job seekers with disabilities, in retaining workers who acquire a disability while in employment and developing return-to-work strategies.

The ILO strongly advocates the right of people with disabilities to adequate, up-to-date vocational rehabili-

For some twenty years, the Council of Europe Committee for the Development of Sport (CDDS) has been aware of the positive contribution sport can make to the lives of those with both physical disabilities and learning difficulties. This attitude echoes the line with the European Sport Charter which states that every individual shall have the right to participate in sport.

In 1986, with Recommendation No. R (86) 18 the Committee of Ministers adopted the *European Charter for Sport for all: Disabled persons*. This set out a number of ways in which governments could encourage and help the development of sport for people with disabilities. It makes a clear case for the ways in which recreational sport can not only help disabled people physically and psychologically, but also points out that in some sports such as archery they have succeeded in reaching the highest level of elite sport on the same terms as those without disabilities.

Sport for those with disabilities falls roughly into three categories:

Recreational or leisure sport can give people with disabilities - many of whom still live in a relatively sheltered environment - the chance to meet others, to take part in a common activity. It serves as an aid to social inclusion. As more and more of those with disabilities enter the job market it also provides necessary recreation.

Sport and exercise to aid rehabilitation and improve health and mobility can help to restore self-confidence and an appreciation of all that is still possible despite the disability. This is particularly important for those who have been the victims of accidents.

High level or elite sport is a growth area. Olympic style games for athletes with a disability were organized for the first time in Rome in 1960. Since then the Paralympic Movement has grown to encompass

elite sport events for athletes from six different disability groups. They emphasize the participants' athletic achievements rather than their disability. The number of athletes participating in Summer Paralympic Games has increased from 400 athletes in Rome in 1960 to 3195 in Atlanta in 1996. In Sydney, a record number of 122 countries participated at the Paralympics, making this the largest Games in Paralympic history.

These games provide a strong motivation and a goal for those who are gifted for sport or have had a sporting career cut short through injury to still be included in the highest pinnacle of the sporting scene.

The biggest undertaking in disabled sport of the CDDS in recent years was the Action Plan using sport for rehabilitation in Bosnia and Herzegovina. After the end of the war, the CDDS sent a fact-finding team which reported back on the urgent need for trainers in disabled sport. In a population of 4 million there were some 350 000 amputees.

The CDDS organised three training seminars to form leaders in disabled sport. The training programme not only succeeded in providing a pool of experience trainers, some of whom subsequently found regular employment in this area, but also lead indirectly to a lengthening and improvement of the course for teaching disabled sport in the Faculty of Physical Education at the University of Sarajevo.

There have been other initiatives, seminars, etc. through programmes in central and eastern Europe in Sport for people with disabilities which is not a luxury or an added extra but can be a power for health, self-confidence and a door to inclusion in everyday life in society.

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tation and vocational training to enable them to take part as fully as possible in the labour force as well as other sectors of society.

The Disability Programme works to support national efforts to improve opportunities for people with disabilities by:

- improving knowledge on disability-related matters concerning training and employment;
- advocating non-discrimination, equality of opportunity and treatment for people with disabilities in access to training and employment;
- providing technical cooperation services to constituents to assist in the process of improving legislation and training and employment opportunities at country level.

Contact: ILO Disability Programme, International Labour Office (ILO), Tel.: + 41 22 799 82 76, Fax: + 41 22 799 63 10 or 8573, E-mail: disability@ilo.org, Internet: <http://www.ilo.org/employment/disability>

OECD: transforming disability into ability

Many of the people receiving disability benefits are capable of working and want to work, but they are discouraged from participating in the labour market, concludes a new OECD report, *Transforming Disability into Ability: Policies to Promote Work and Income Security for Disabled People*, which examines disability policies in 20 member countries.



The need for reform is clear. OECD countries spend at least twice as much on disability-related programmes as they spend on unemployment programmes. Disability benefits on average account for more than 10 % of total social spending. In the Netherlands, Norway and Poland they reach as much as 20 % of social expenditure. In spite of high expenditure, disability rates remain high. In most countries, people who enter

(Continued on page 16)

EUROPEAN COURT OF HUMAN RIGHTS

THE DEFENCE OF FUNDAMENTAL RIGHTS OF PEOPLE WITH DISABILITIES

There is at present, pending the entry into force of Protocol No. 12 to the European Convention on Human Rights (see below), no general prohibition of discrimination in the Convention. The existing discrimination provision (Article 14) can be invoked only in conjunction with one or more of the other rights and freedoms of the Convention. This explains why there have been relatively few cases in which discrimination is the main issue and that is also true of cases brought by disabled persons

Persons with disabilities obviously enjoy the rights and freedoms set out in the Convention just as any other person. There are many examples of applications by handicapped persons complaining of a violation of Convention rights, in particular Articles 5 (detention of persons of unsound mind and impossibility for these persons to challenge the lawfulness of such detention¹⁾), Article 6 (disputes concerning legal status or the award of social security benefits to persons with physical and mental disabilities²⁾), Article 8 (placement into public care of children of retarded parents or of children with disabilities³⁾), or Article 1 of Protocol No. 1 (capacity to dispose of one's property or refusal of social security benefits for handicapped persons⁴⁾).

In some cases the status of a disabled person has been at the core of the applicants' complaint or has been taken into account by the Court in its decision. Thus the Court found a violation of Article 8 (right to a private life) where the Netherlands Criminal Code offered no practical and effective protection to a handicapped girl aged sixteen against rape. According to the Netherlands Criminal Code, a criminal complaint for the rape of a girl aged sixteen or more could only be brought by the victim herself and her father could not act on her behalf even if she was a disabled person⁵⁾.

There have been cases concerning the right to education in relation to the compulsory placement of a child

in a special nursing home for children with disabilities against the parents' wishes⁶⁾.

Other cases have dealt with the everyday life of disabled persons. *Botta v. Italy*⁷⁾ concerned the difficulties encountered by a physically disabled person in gaining access to a private bathing establishment and a beach. The Court found that the applicant's right to access to the beach and the sea at a place distant from his normal place of residence during his holidays concerned interpersonal relations of such broad and indeterminate scope that there could be no conceivable direct link between the measures the State was urged to take in order to make good the omissions of the private bathing establishments and the applicant's private life. In the case of *Zehnalová and Zehnal v. the Czech Republic*⁸⁾ the applicants complained that there were no facilities to make public buildings accessible to physically disabled people. These complaints were also found to be too broad and indeterminate to bring them within the protection of Article 8.

The applicant's disability also featured in a case involving the expulsion of a foreigner. Notwithstanding the seriousness of the offence of rape of which he was convicted, the applicant's handicap - he was deaf and dumb and capable of achieving a minimum psychological and social equilibrium only within his family circle, the majority of whose members were French nationals - led the Court to conclude that the decision to deport him would infringe his right to respect for family life⁹⁾.

There have been several cases concerning refusal or termination of disability pension benefits¹⁰⁾. In the *Lundevall v. Sweden* and *Salomonsson v. Sweden* judgments, the absence of an oral hearing before the Administrative Court of Appeal prevented that court from appreciating the extent and nature of the applicants' handicap and there had therefore been a violation of Article 6 § 1¹¹⁾.

In November 2000 Protocol No 12 to the Convention, which provides for a general prohibition of discrimination, was opened for signature. The new Protocol removes the current limitation and provides that no one shall be discriminated against on any ground by any public authority¹²⁾. It is likely that its entry into force, which requires ratification by ten Contracting States, will bring to Strasbourg many more cases of disabled persons alleging unjustified difference of treatment.

1) See, amongst many other judgements, *Winterwerp v. the Netherlands* (24.10.1979), *X. v. the United Kingdom* (5.11.1981) *Luberti v. Italy* (23.2.1984), *Herczegfalvy v. Austria* (24.9.1992), *E. v. Norway* (29.8.1990), *Silva Rocha v. Portugal*, (15.11.1996), or *Nielsen v. Denmark* (28.11.1988).

2) See, amongst others, *Winterwerp v. the Netherlands* (24.10.1979), *Kerojärvi v. Finland* (19.7.1995).

3) See *Olsson v. Sweden No. 1* (24.3.1988).

4) See *Lundevall v. Sweden* (App. No. 38629/97), 12.11.2002.

5) See *X. and Y. v. the Netherlands* 26.3.1985, §§ 22-23 and 27.

6) See *Graëme v. the United Kingdom*, Commission's decision of 5.2.1990 and *Persson v. Sweden*, 2.7.1993.

7) See *Botta v. Italy* judgement, 24.2.1998, §§ 34-35

8) See the case of *Zehnalová and Zehnal v. the Czech Republic* (App. No. 38621/97), dec. 14.5.2002. See also *Pretty v. the United Kingdom* judgement, 29.04.2002, § 61 et seq.

9) See *Nasri v. France* judgement, 13.07.1995, §§ 42-46.

10) See *Obermeier v. Austria* judgement, 28.06.1990, §§ 69-70.

11) See *Lundevall v. Sweden*, (App. No. 38629/97) and *Salomonsson v. Sweden*, (App. No. 38978/97), judgements of 12.11.2002.

12) See Protocol N°12 to the ECHR. Explanatory Report §§ 20 and 26.

The HUDOC database

HUDOC (**H**uman **R**ights **D**ocuments) is a powerful user-friendly information system which provides access to the case-law of the European Court of Human Rights. The judgments, decisions, resolutions and reports are held in the database and can be consulted via a sophisticated search mechanism.

Internet: <http://www.echr.coe.int>

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disability-related programmes remain beneficiaries until retirement. On average, only 1% of benefit recipients find a job each year.

Some of the individual country results were startling. In the Netherlands, the proportion of young women between the ages of 20 and 35 on disability benefits is three times higher than for their male counterparts. In Austria, persons over 55 years of age are more frequently on disability benefits than in any other country, while rates for Austrians under the age of 50 are much lower than elsewhere. Norway spends more than 5.5 percent of its GDP on disability-related programmes - more than 12 times the amount spent on unemployment.

The study suggests that the ways in which disability is defined and assessed, and the ways in which benefits are awarded, have a strong impact on the numbers of people on benefit rolls. Countries with generous benefits, and where many people have access to them, tend to have higher disability rates. Ease of access to other benefit programmes also plays a role. In many countries, disability awards are concentrated among people over the age of 50, reflecting a tendency to park unemployed workers in disability programmes until they reach retirement age.

The OECD proposes a new approach in disability policy with the following elements: individual participation packages including rehabilitation and vocational training, job search support, and cash benefits; new obligations for disabled people, including a requirement to look for work; stronger involvement of employers to help disabled employees to continue and find work, and more flexible cash benefits, which adapt to job capabilities and changes in an individual's disability over time.

Internet: <http://www.oecd.org/els>

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World Health Organisation:

The International Classification of Functioning, Disability and Health (ICF) - a framework for describing and measuring health and disability

The International Classification of Functioning, Disability and Health (ICF) is a classification of health and health-related

domains. These domains are organized from body, individual and societal perspectives and classified by a list of body functions and structure and a list of domains of activity and participation. The ICF also includes a list of environmental factors to describe the context in which disability occurs.

The ICF is World Health Organisation's (WHO) framework for measuring health and disability at both individual and population levels. While the International Classification of Diseases (ICD) classifies diseases as causes of death, the ICF classifies states of health. The ICD and ICF together form the core of the WHO Family of International Classifications, offering exceptionally broad yet accurate tools to capture the full picture of health

The ICF takes disability to be a university human experience, not something that only happens to a minority, thereby 'mainstreaming' the experience of disability. By shifting the focus from cause to the lived experience of health, all health conditions become comparable by the ICF's common metric of health and disability.

The ICF is a global and universal tool. It was developed and refined in a 10 year international process involving over 65 member States, which led to a broad-based consensus over the terminology and classification. Extensive field testing ensured cross-cultural comparability, making the ICF a truly international standard.

Countries can use the ICF to measure and monitor health outcomes, in clinical settings, or in surveys at the individual or population levels. The ICF is suitable for assessing the effectiveness of health interventions, including those provided within the community-based rehabilitation approach. The ICF also has applications beyond health issues and can be used in social security, special education, transportation and labour sectors.

Finally, the ICF can serve as the framework for national and international laws addressing disability within the context of human rights. The ICF is truly a universal classification of health and disability.

Internet: <http://www.who.int/classification/icf>

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The Strategy of Community-Based Rehabilitation (CBR) to be reviewed

It is more than 25 years since the concept of CBR was introduced by WHO. A manual was produced outlining simple activities to be carried out at home by disabled people themselves, their parents and family members at home, with a view to improving daily life.

WHO believes that a CBR programme could be based on common principles which are yet to be defined. The preparation of the first joint position paper in 1994 by ILO, UNESCO and WHO stated that "CBR is a strategy within community development for rehabilitation, equalization of opportunities and social integration. CBR should be implemented through active involvement of disabled persons, their families and communities with support from appropriate health, education, vocational and social services."

Individual CBR programmes may, however, look very different and factors such as community participation and multisectoral approaches may not be equal. However, the CBR definition emphasizing its approach as including community involvement and the importance of multisectoral activities is fundamental.

Since its introduction 25 years ago the CBR approach has gradually moved from pilot projects to become part of national policies in many countries of the world responding to the needs of disabled persons, their families and their communities. The number of such countries is increasing although constraints to the implementation of CBR programmes continue to exist

An International Consultation on Reviewing CBR will take place from 25 to 28 May 2003. This event is organised by WHO in collaboration with other UN agencies, NGOs and organisation of persons with disabilities (DPOs) and will be hosted by the Government of Finland.

Internet: <http://www.who.int/ncd/disability>

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Combating discrimination against disabled people

The European Disability Forum (EDF) is a European umbrella organisation with 85 European NGOs representing the various disability groups and interests in Europe and 17 National Councils from all of the EU and EEA as members. EDF represents the interests of 37 million disabled citizens. Our mission is to advance disabled people's human rights and promote equal opportunities in the EU Institutions and member States in accordance with principles of non-discrimination.

The Madrid Declaration (www.madriddeclaration.org) adopted in March 2002 as a conceptual framework for 2003, the European Year of People with Disabilities, acknowledged the fact that to ensure the social inclusion of disabled people, a combination of anti discrimination and positive action measures is needed.

It is a fact that disabled people are faced with different types of discrimination such as prejudice, stigma, low expectations, oversight. Disabled people continue to be invisible citizens.

Our societies are designed in a way that they de facto exclude disabled people. Schools, public transport, cultural and leisure activities, to name just a few, are often inaccessible to disabled people.

Experience has proven that the most powerful tool to produce the required paradigm shift in disability policy is comprehensive anti discrimination legislation that tackles the attitudinal barriers, changes the physical and communications environment and prevents the establishment of new barriers.

To be effective, anti discrimination legislation has to cover all areas of life. Regarding social protection this includes social security, social advantages, health and health care services, education, employment and public transport. Concerning access this covers access to services, facilities and goods which are available to the public, including culture, leisure and sports, insurance, transportation, communications, the built

environment, housing and manufactured and designed products. Also relevant are electoral rights and political rights.

Anti discrimination legislation currently exists at EU level (EU Directive 2000/78/EC), but only in the field of employment. Of course employment is a key element for those disabled people that can work. Nonetheless, if disabled people continue to face discrimination in education, public transport, access to goods and services, this has an effect on their employment potential. Consequently, the impact of anti discrimination legislation restricted to employment is very limited. Moreover, disabled people, whether in work or not, want to have access to all other areas of life and need anti discrimination legislation to combat the barriers disabled people face in these areas.

The legal base for wider EU anti discrimination legislation exists. Article 13 of the EU Treaty allows for an EC directive combating discrimination of disabled people in all areas of EU competence. EDF has drafted, with the support of renowned legal experts, a proposal for a EC directive combating discrimination and mainstreaming disability in all fields of life.

The implementation of an inclusive approach to disability and disabled people requires changes in current practice at several levels. Disability needs to be taken into account when new legislation is being drafted and new activities are planned. Disabled people should have access to the mainstream health, education, vocational and social services and all the opportunities which are available to non-disabled persons.

2003, European Year of People with Disabilities offers a unique opportunity to improve the quality of life of people with disabilities, by ensuring on the one hand the adequate implementation of existing laws and measures and on the other hand the endorsement of new comprehensive legislation aiming at combating discrimination and promoting the social inclusion of people with disabilities.

Stefan Trömel, EDF Director

The Madrid European Disability NGO Declaration

A European NGO forum was organised on April 7 and 8 2003 in Madrid under the auspices of the European Disability Forum (EDF) and the Spanish Council of People with Disabilities (CERMI). It was attended by 130 representatives from disability NGOs from more than 30 different Council of Europe member States.

The outcome of this meeting was a European Disability NGO Declaration, a text that was presented to the Second European Conference of Ministers responsible for integration policies for people with disabilities held in Malaga on May 7-8 2003.

The Madrid European Disability NGO Declaration aims at ensuring that the outcome of the Ministerial Conference will result in concrete actions in all Council of Europe member States. The proposals and requests of the disability movement are addressed to both the Council of Europe and its member States.

The Declaration primarily stresses the need for anti discrimination legislation, a major instrument to produce a paradigm shift in disability policy, that should cover all relevant areas of life such as social protection, health, education, employment, communications, the built environment, public transport and access to services. Strong enforcement mechanisms are also required in order for anti discrimination legislation to be effective. Anti discrimination measures need to be complemented by positive action measures.

The mainstreaming of disability needs to be taken into account when new legislation is drafted. Disabled people form an extremely diverse group who face very diverse barriers which require comprehensive action plans that take into account this diversity. Special attention needs to be given to disabled people facing multiple discrimination, for example women with disabilities, as well as disabled people with complex dependency needs.

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The Declaration draws attention to the issue of disabled people in large institutions and seeks their replacement by alternative community based services which respond to the diverse needs of disabled people.

The disability movement deems that more efforts are needed to ensure adequate implementation and follow-up of the different Council of Europe reports, namely the 2001 Resolutions on New Technologies and on Universal Design, the Recommendations adopted by the Parliamentary Assembly on social inclusion of disabled people and on sign language, the Reports on Discrimination towards Women with Disabilities and on Community Living for People with Disabilities in need of a high level of support.

A monitoring mechanism should be established through which Council of Europe member States would report on their level of compliance with the recommendations included in the Council of Europe reports. Representative national and European disability NGOs need to play a central role in this process.

The participation of disability NGOs in the Council of Europe activities concerning the design, implementation and evaluation of disability policies is necessary since disability organisations know what is needed to improve the lives of disabled people.

2003, European Year of People with Disabilities, should be seen in the future as the year that really made the difference in European disability policies.

The challenge is not to adopt well-minded political declarations. The challenge is to pass from words to deeds.

Yannis Vardakastanis, EDF President

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Germany: **Progress in disabled persons' policy**

In Germany, transforming disability into ability has been a major political and legal aim for decades. In the last parliamentary period wide-ranging legislative reforms have sharpened and strengthened the policies through the following three instruments:

- the Act to Combat Unemployment among Disabled Persons;
- the Ninth Book of the Social Code - Rehabilitation and Participation of Disabled Persons ;
- the Act on Equal Opportunities for Disabled Persons.

Self-determination and participation, instead of mere welfare, is the guiding principle pursued. This trend and the results have found broad Parliamentary majorities as well as extensive support within society. This success is largely based on a new policy understanding: policy not only for disabled persons, but forming policy with them. Disabled persons themselves know best what is right and important for them. For this reason, the associations and the organizations of disabled persons have been involved in the legislative procedure right from the beginning to discuss the potential content.

For workforce participation of disabled persons, Germany acts on a concept of shared responsibility, combining responsibilities for employers and for the public authorities. The employers should ensure equal opportunity for disabled persons, also expressed by a redesigned system with an obligation to employ and a compensatory levy and no disadvantages for these persons. Public responsibility is for "moral" support to the employers, and common (public benefit) financing of extraordinary "burdens".

This concept underlies the regulations in Social Code Book #9 in which Part 1 comprises common regulations on participation-oriented benefits (applicable uniformly to funds concerned) and Part 2 includes special regulations to promote participation of severely disabled persons in working life.

The general aim of participation-oriented benefits is to promote self-

determination and equal opportunity for participation in society, and to avoid disadvantages and counteract them, both with strong involvement of the disabled persons and of persons threatened by a disability, individually as well as through their organisations. There is an absolute priority to use all opportunities to avoid disabilities and to overcome existing disabilities. This concerns particularly pensions and long-term care but also other social benefits.

The core of the Act on Equal Opportunities for Disabled Persons is the creation of comprehensively understood barrier-free environments. Disabled persons should be enabled to use all areas of life, such as buildings and means of transport, in the usual way, without particular difficulties and without help from others. It involves the development of barrier-free communication such as using sign-language interpreters or barrier-free electronic media. Over and above individual claims of disabled persons, the Act provides that recognized associations may take legal action in order to assert the equal rights of disabled persons.

The Act closes a circle of important legislation enabling disabled persons in Germany to determine and organize their lives - a concept which consistently transposes the fundamentals of the civil citizens' society in the activating social welfare state.

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Slovenia **Innovations in legislation for people with disabilities**

Slovenia is one of the smaller central European countries which, over the past ten years, has undergone a transformation of its political system and an intense harmonisation of its legislation with the body of EU law (*acquis communautaire*). This comprehensive legislative reform has entailed amendments to the regulations relating to the protection of people with disabilities.

As early as 1991 a development strategy for the protection of disabled people was adopted which defined the overall goals for equal opportunities for persons with disabilities and their active participation and integration into society. This has been followed by numerous laws and implementing regulations which take into consideration the basic goals of the strategy as well as the trends of the international community. The protection of disabled people is mostly covered by general legal acts, while some individual acts have been designed specifically for them.

The basic goals of the education of children with special needs in our country are: equal opportunities; availability of individualised education for all age groups; development of integrated forms of education as close to the child's home as possible, including the related services; gradual introduction of lifelong education, and the introduction of new assistive technologies. In 2000, these goals were followed by the Act on Guiding Children with Special Needs which introduces the principle of mainstreaming the education of children with special needs, i.e. making it a part of the general education system.

Providing employment is crucial to the full participation and integration of persons with disabilities into society. In order to increase the employment possibilities of persons with disabilities through an active employment policy, several training, education and employment programmes have been made available. Certain solutions are also presented in the recently adopted Employment Act and the Pension and Disability Insurance Act. Complementary to these two acts is a new act on education and employment of persons with disabilities, the adoption of which is foreseen this year; this act will introduce a quota system and other measures aimed at increasing the employability of persons with disabilities.

Slovenia is in the process of preparing an act on equal opportunities of persons with disabilities that will regulate support measures in their environment, the special rights of those disabled persons who have not yet enjoyed any disability rights based on insurance schemes or other regulations, as well as regulate special services for persons with severe disabilities. The technical basis for the preparation of this act is the World Health Organisation's International Classification of Functioning, Disability and Health (ICF).

By adopting the Slovene Sign Language

Act in 2002, deaf persons have become entitled to use this language and to access information with assistive technology adapted to their needs.

In view of the fact that civil society has an important role in complementing the public network of programmes and services for disabled people, the Disability Organisations Act was adopted in 2002, under which organisations of civil society have gained special status.

The Government of the Republic of Slovenia has been paying particular attention to such issues as raising awareness, access to the built environment and communications. This attention is symbolically reflected in the decision to participate in the European initiative which declares 2003 the Year of People with Disabilities.

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Lithuania:

The European Year of People with Disabilities

With a view to reinforcing the right of disabled people to full participation and equality, eliminating discrimination, and removing obstacles, the Council of the European Union designated 2003 the European Year of People with Disabilities (EYPD).

In support of this initiative the Parliament of the Republic of Lithuania announced 2003 the Year of Disabled People in Lithuania. On 3 February 2003, the Government approved the programme of activities for the year drawn up by the National Coordinating Committee, which is aimed at promoting equal rights and opportunities for people with disabilities. For the implementation of this programme a total of LTL 3 million was allocated from the state budget.

The objective pursued under the programme of activities for the EYPD in Lithuania is to:

- protect individuals with disabilities from discrimination;
- guarantee equal rights and opportunities, as well as access to means facilitating independent life; and
- develop social and economic integration and active participation of disabled persons in social life.

The programme is designated for all persons with disabilities in Lithuania, whose number has grown by over 1.5 times during the period of 1990-2002. In 2002, disability pensions were paid to 221,577 persons, of whom 13,824 were children under 16.

The Lithuanian programme of activities is being developed in four directions:

- development of the national legislation;
- raising of public awareness and providing better access to information and communication;
- adaptation of the physical environment of the establishments providing educational, training and social services to the special needs of disabled persons; and
- accommodating better educational and independent life provisions in integrated settings for persons with disabilities.

The implementation of this programme will be coordinated and supervised by the Council of Disabled People set up by the Government. Respective ministries and non-governmental organisations of persons with disabilities have taken up the implementation of measures provided for under the programme. Success of this work will mainly depend on the efficiency of co-operation between the two parties and on the support and involvement of the NGOs in the implementation of concrete measures.

A range of other national and municipal programmes for people with disabilities have also been put in place to facilitate the progress of social integration of people with disabilities in Lithuania. These include the National Programme of Social Integration of People with Disabilities for 2003-2012, development of the social services infrastructure, provision of technical aids, promotion of employment, professional and social rehabilitation, adaptation of accommodation and environment, cultural and sports activities, etc.

To sum up, social integration of people with disabilities covers a wealth of tasks to be completed with a view to attaining the set goals. Naturally, it is not possible to solve all the problems faced by people with disabilities within one year, but efforts will be focused on producing concrete results with a lasting value so that work launched this year is carried on in the years to come.

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ADOPTED TEXTS

Recommendations:

- Recommendation N° R (92) of the Committee of Ministers on a coherent policy for people with disabilities (adopted on 9 April 1992) - Link to the Recommendation: <http://cm.coe.int/ta/rec/1992/92r6.htm>
- Recommendation 1592 (2003) of the Parliamentary Assembly Towards full social inclusion of persons with disabilities (adopted on 29 January 2003)

Resolutions:

- Resolution ResAP (2001) 3 of the Committee of Ministers : Towards full citizenship of persons with disabilities through inclusive new technologies, with explanatory report, booklet version
- Resolution ResAP (2001) 1 of the Committee of Ministers on the introduction of the principles of universal design into the curricula of all occupations working on the built environment (booklet version)
- Resolution ResAP (2001) 1 of the Committee of Ministers on the introduction of the principles of universal design into the curricula of all occupations working on the built environment - <http://cm.coe.int/ta/res/resAP/2001/2001xp1.htm>
- Resolution ResAP (95) 3 of the Committee of Ministers on a Charter on the vocational assessment of people with disabilities, and Glossary, booklet version ISBN 92-871-3346-8

BIBLIOGRAPHY

Publications and reports:

- *Rehabilitation and integration of people with disabilities: policy and legislation*, 7th edition (2003), ISBN 92-871-5123-7
- *Safeguarding adults and children with disabilities against abuse* (2002), ISBN 92-871-4919-4
- *The impact of new technologies on the quality of life of persons with disabilities* (2002), ISBN 92-871-5007-9
- *Assessing disability in Europe - similarities and differences* (2002) ISBN 92-871-4744-2
- *Cochlear implants in deaf children* (2001), ISBN 92-871-4628-4
- *Legislation to counter discrimination against persons with disabilities* (2000), ISBN 92-871-4422-2
- *Employment strategies to promote equal opportunities for persons with disabilities on the labour market* (2000), ISBN 92-871-4216-5
- *Proceedings of the International Workshop on the use and usefulness of the International classification of impairments, disabilities and handicaps (ICIDH)*, Strasbourg, 25-26 March 1996, (1999), ISBN 92-871-3867-2
- *Vocational training and rehabilitation of people with disabilities: a comparative analysis* (1997), ISBN 92-871-3475-8
- *Sheltered employment in five member states of the Council of Europe* (1997), ISBN 92-871-3325-5
- *Framework for the qualitative and quantitative analysis of data on the ageing of people with disabilities* (1997), ISBN 92-871-3327-1
- *The transition from sheltered to ordinary employment* (1996), ISBN 92-871-3144-9

Useful Council of Europe Websites :

- Partial Agreement in the Social and Public Health Field: <http://www.coe.int/soc-sp>
- Parliamentary Assembly: <http://assembly.coe.int/>
- Congress of Local and Regional Authorities of Europe: <http://www.coe.int/t/e/CLRAE/>
- Human Rights Court: <http://www.echr.coe.int/>
- Commissioner for Human Rights: http://www.coe.int/T/E/Commissioner_H.R/Communication_Unit/
- European Social Charter: http://www.coe.int/T/E/Human_Rights/Esc/
- Bioethics: http://www.coe.int/T/E/Legal_affairs/Legal_co-operation/Bioethics/
- Sports: <http://www.coe.int/T/E/Cultural%5FCo-operation/Sport/>

CALENDAR OF MEETINGS

12-13 June : 7th Conference of European Ministers: "Health, Dignity and Human Rights" - Oslo (Norway)

Committee Meetings:

- 23 May: 1st meeting of the Editorial Group of the report on access to social rights for people with disabilities
- 17-19 September: 6th session of Committee of experts on the prevention of disabilities linked to chronic diseases (P-RR-PREV)
- 4-5 September: 2nd meeting of the Editorial Group of the report on access to social rights for people with disabilities
- **7-10 October:** 26th session of the Committee on the Rehabilitation and Integration of people with disabilities (CD-P-RR)

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