



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 2 June 2010

10173/10

**SOC 375
COHOM 134**

REPORT

from: Permanent Representatives Committee (Part I)
to: Council (EPSCO)
No prev. doc.: 9867/10 SOC 354 COHOM 125

Subject: **Draft Resolution of the Council of the European Union and the
Representatives of the Governments of the Member States, meeting within
the Council, on a new European Disability Framework**

The Spanish Presidency has tabled a draft Resolution on "a new European Disability Framework".

At its meeting on 28 May 2010, the Committee of Permanent Representatives reached unanimous agreement¹ on the text as set out in the Annex.

The EPSCO Council is invited to adopt the draft Resolution at its session on 7/8 June 2010.

¹ AT and PL maintained their linguistic scrutiny reservations pending receipt of their respective translations.

**DRAFT RESOLUTION OF THE COUNCIL OF THE EUROPEAN UNION AND THE
REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,
MEETING WITHIN THE COUNCIL, ON A NEW EUROPEAN DISABILITY
FRAMEWORK**

The Council of the European Union and the representatives of the governments of the Member States, meeting within the Council,

Taking into account:

1. Article 2 of the Treaty on European Union establishing that the Union is founded, *inter alia*, on the values of respect for human dignity, freedom and respect for human rights, including the rights of persons belonging to minorities and that these values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail;
2. Article 19 of the Treaty on the Functioning of the European Union, according to which the Council, after obtaining the consent of the European Parliament, may take appropriate action to combat discrimination, including discrimination based on disability;
3. Article 10 of the Treaty on the Functioning of the European Union, according to which, in defining and implementing its policies and activities, the Union shall aim to combat discrimination, including discrimination based on disability;

4. the Charter of Fundamental Rights of the European Union², which reaffirms the right of non-discrimination, and the principle of integration of persons with disabilities;
5. the United Nations Convention on the Rights of Persons with Disabilities³ ('the UN Convention') and its Optional Protocol, adopted on 13 December 2006 by the General Assembly of the United Nations;
6. the Council Decision of 26 November 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities⁴, including the appendix to the Annex which lists Community acts which refer to matters governed by the Convention. These acts include, among others, Council Directive 2000/78/EC⁵ as well as Regulation No 1083/2006/EC⁶, Regulation No 1107/2006/EC⁷ and Regulation No 1371/2007/EC⁸;
7. the Council Conclusions on the follow-up of the European Year of People with Disabilities, adopted in December 2003⁹, and the Disability Action Plan 2003-2010¹⁰ of the European Commission;
8. the European Parliament Resolution of 19 January 2006 on disability and development¹¹;

² OJ C 364, 18.12.2000, p. 1

³ <http://www.un.org/disabilities/convention/conventionfull.shtml>

⁴ OJ L 23, 27.1. 2010, p. 35.

⁵ Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation.

⁶ Regulation No 1083/2006/EC laying down general provisions applicable to the Structural Funds, which integrates accessibility and non-discrimination of persons with disabilities as cross-cutting objectives.

⁷ Regulation No 1107/2006/EC concerning the rights of disabled persons and persons with reduced mobility when travelling by air.

⁸ Regulation No 1371/2007/EC on rail passengers' rights and obligations, which address the needs of persons with reduced mobility, including communication and information technologies.

⁹ Doc. 15206/03 + COR 1.

¹⁰ COM(2003) 650 final

¹¹ OJ C 287E, 24.11.2006, p. 336

9. the two informal meetings of Ministers responsible for disability policies, held under the German Presidency on 11 June 2007 and under the Slovenian Presidency on 22 May 2008, where the Ministers focused on the implementation of the UN Convention and on its inclusion among the priorities of the Disability Action Plan and where they recognised the importance of cooperation between the Member States and the European Union to strengthen the approach to disability based on human rights;
10. the Presidency conclusions of the third informal meeting of Ministers responsible for disability policies and the Conference on disability and personal autonomy, held under the Spanish Presidency on 19-21 May 2010, in favour of persons with disabilities. Ministers and participants of the conference reviewed the state of play of the implementation of the UN Convention, consolidating the approach to disability based on human rights, and stressed the importance of cooperation both, among the Member States and with people with disabilities and their representative organisations;
11. the Opinion of the European Economic and Social Committee of 17 March 2010¹² on "People with disabilities: employment and accessibility by stages, according to which there is a need to advance in European legislation, policies and appropriate funding for people with disabilities through the adoption of new instruments.

Welcoming:

12. the commitments and progress made by the Member States and the European Union, that will be completed by the respective ratification or formal confirmation and full implementation of the UN Convention;

¹² SOC/363.

13. the recognition, in the Commission's Communication on the Europe 2020 Strategy¹³, of disability issues as a European and national priority in the major field of combating poverty; the Communication states that the Commission will work to design and implement programmes to promote the social inclusion of the most vulnerable, in particular by providing innovative education, training and employment opportunities, and fighting discrimination against persons with disabilities; it also urges the Member States to define and implement, taking into account national responsibilities, measures addressing the specific circumstances of groups at particular risk, including persons with disabilities;
14. the Resolution of the Council of the European Union and the representatives of the Governments of the Member States, meeting within the Council of 17 March 2008 on the situation of persons with disabilities in the European Union¹⁴;
15. the new Autonomous Agreement between the European social partners on Inclusive Labour Markets of December 2009¹⁵.

Noting that:

16. the achievement of a socially sustainable and cohesive Europe should be based on the principle of “nothing about people with disabilities without people with disabilities”, and that this is only possible through their inclusion and participation;
17. access to employment, goods and services, and education, and to social and public life, among other spheres, is a prerequisite for the full inclusion and participation of persons with disabilities in society;

¹³ Doc. 7110/10.

¹⁴ OJ C 75, 26.3.2008, p.1.

¹⁵ http://www.etuc.org/IMG/pdf_06-EN-Inclusive-Labour-Markets.pdf

18. strengthening private sector involvement helps to enable persons with disabilities to lead an independent life and participate fully in all spheres of life;
19. social inclusion and non-discrimination advance participation of persons with disabilities in society and bring economic returns to society as a whole¹⁶;
20. persons with disabilities demand high quality and diverse and individualised community-based services. The demand for social services is expanding and may boost the creation of new jobs, including those for people with disabilities;
21. there is a need to foster new jobs and to promote accessibility and universal design; these developments provide an opportunity to enhance quality and sustainable employment for persons with disabilities;
22. women with disabilities often face double discrimination. Gender mainstreaming across all relevant disability policies is a tool in the hands of governments to remedy this situation.

Invite the Commission, in accordance with its competences:

23. to support the effective implementation of the UN Convention by the Member States and the European Union Institutions;
24. to prepare, in cooperation with the Member States, persons with disabilities and their representative organisations and other relevant stakeholders, a new European Disability Strategy building on the values enshrined in the European Treaties, the Europe 2020 Strategy and the UN Convention;

¹⁶ See a report for the Employment and Social Affairs DG "Costs of non-social policy: Towards an economic framework of quality social policies – and the costs of not having them" from January 3, 2003.
http://www.ucc.ie/social_policy/EU-docs-socpol/Fouarge_costofnonsoc_final_en.pdf

25. to promote and improve accessibility by establishing an annual European award for accessible cities;
26. to strengthen the mechanisms of collaboration and participation of persons with disabilities and their families as well as their representative organisations in order to ensure the implementation of Article 4 of the UN Convention;

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

27. The general policy framework:
 - a) to promote the ratification and application of the UN Convention, continue the efforts to approve a Code of conduct, and adapt EU and national legislation, where necessary, to the provisions of the Convention;
 - b) to mainstream disability issues in all relevant flagship initiatives of the Europe 2020 Strategy and, at the same time, where appropriate, to develop disability-specific measures, without prejudice to national competences, in order to implement the UN Convention in cooperation with persons with disabilities and their representative organisations and other relevant stakeholders;
 - c) to mainstream disability issues in a cross-cutting and coordinated way in the definition of general policies and programmes, particularly in national plans for employment and social protection and inclusion, and continue to develop specific programmes for persons with disabilities and their families, paying special attention to those in need of a high level of support;

- d) to tap the human capital of persons with disabilities, including by developing the appropriate training and employment measures; this can also contribute to the efforts to reach the headline target set within the context of the Europe 2020 Strategy aiming to bring to 75% the employment rate for women and men aged 20-64;
- e) to promote coordination and cooperation among the Member States and the Commission as well as the persons with disabilities, their representative organisations and their families in order to find shared solutions. Appropriate European and national financing, including through recourse to the European Social Fund, where appropriate, will contribute to a comprehensive approach.

28. Education:

- a) to contribute to promoting inclusive education systems at all levels to realise the universal right to education based on the principles of equal opportunity and non-discrimination; this means developing policies designed to offer quality education to all citizens, as well as providing them with the necessary (economic, human, educational, technical and technological) resources;
- b) to provide initial and ongoing training for teachers at all educational levels, with the aim of allowing them to meet the diverse needs of their students with disabilities and to adequately perform their duties within the framework of inclusive education systems;
- c) to promote improvements in education systems, with the aim of eliminating stereotypes and promoting awareness and tolerance towards persons with disabilities.

29. Accessibility:

- a) to make progress on proposals to promote accessibility to sea transport, city and intercity buses, and to improve e-accessibility and to make a better use of new technologies for enhanced inclusion;
- b) to promote the principles of accessibility and of universal design. In this regard, it is recalled that Regulation No 1083/2006 on the European Regional Development Fund, the European Social Fund and the Cohesion Fund requires operators to observe the criterion of accessibility for disabled persons when any operation is being co-financed by the Funds;
- c) to initiate a discussion on the establishment of a European mobility card for persons with disabilities to provide them with better access to transport, cultural facilities and events.

30. Employment and Social issues:

- a) to ensure full implementation of Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, including its provisions on reasonable accommodation for persons with disabilities;
- b) to promote the design and provision of vocational guidance and vocational training for persons with disabilities enabling them to have increased opportunities for employment;
- c) to support social partners' initiatives to promote the labour market participation, vocational training and professional rehabilitation of persons with disabilities and to combat discrimination on the ground of disability in the area of employment;

- d) to support and maintain dialogue with persons with disabilities and their representative organisations with a view to awareness-raising, and to ensuring effective cooperation within a good governance framework;
- e) to encourage actions at the local level to promote the personal autonomy of persons with disabilities and their families, giving preference to community-based services, while providing the necessary support to public administrations at all levels;
- f) to develop sustainable economic policies that promote the inclusion of persons with disabilities in society focusing on human rights.

31. International issues

- a) to promote the protection and safety of persons with disabilities in situations of risk, including armed conflicts, humanitarian emergencies and natural disasters;
- b) to aim at ensuring that development cooperation, including international development programmes, is inclusive and accessible to persons with disabilities.

Invite the European Union institutions:

- 32. to continue efforts to guarantee equal treatment and opportunities for all persons with disabilities, setting an example and encouraging an increase in the number of workers with disabilities employed by them and by other EU bodies, by improving the accessibility of their own buildings, facilities and information and communication technologies, including computer systems and the internet and its applications, thus showing a real commitment to persons with disabilities and the effective enforcement of the obligations of the EU institutions under the UN Convention and the applicable legislation.

Acknowledge their work and encourage organisations representing persons with disabilities:

33. to continue their work as civil society representatives, conveying their needs and proposals to the European Union institutions and to the national authorities.

Invite future Presidencies of the European Union:

34. to continue to strengthen the European perspective on the human rights of persons with disabilities, promoting full social inclusion and the full achievement of equal opportunities and non-discrimination, ensuring the adequate participation of all stakeholders;
 35. to support the holding of informal meetings of Ministers responsible for disability policies on a regular basis;
 36. to make full use of coordination and advisory groups, such as the High Level Group on Disability, to facilitate the application of the provisions of the UN Convention and the implementation of the forthcoming European Disability Strategy;
 37. to promote the European Union's approach to disability based on the values as set out in the Treaty on European Union and reflected in the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the European Union.
-