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COMMUNICATION OF THE COMMISSION
ON
EQUALITY OF OPPORTUNITY FOR PEOPLE WITH DISABILITIES

A New European Community Disability Strategy

DRAFT

**RESOLUTION OF THE COUNCIL AND OF REPRESENTATIVES OF THE GOVERNMENTS OF
THE MEMBER STATES MEETING WITHIN THE COUNCIL**

ON

**EQUALITY OF OPPORTUNITY
FOR PEOPLE WITH DISABILITIES**

(presented by the Commission)

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I.

**COMMUNICATION OF THE COMMISSION
ON
EQUALITY OF OPPORTUNITY FOR PEOPLE
WITH DISABILITIES**

A new European Community Disability Strategy

Executive Summary and Policy Conclusions

1. Disability, as referred to in this Communication, takes many forms - physical, sensory, mental and intellectual. At any point in time, the number of people in the European Community directly affected by some form of disability is estimated at around one tenth of the total population, which at present amounts to approximately 37 million. About half of them are of working age.

2. Our societies are, in many ways, organised for an "average" citizen without any disability, and, therefore, a great number of citizens are excluded from the rights and opportunities of the vast majority:

- in education: some young people continue to have problems of access to mainstream education including suitable, good quality training;
- at work: people with disabilities are two or three times more likely to be unemployed and to be so for longer periods than the rest of the population;
- mobility and access: many transport systems and public buildings continue to be inaccessible or accessible only with difficulty;
- housing: adapted or adaptable accommodation is often scarce or prohibitively expensive;
- welfare systems: these systems generally provide a minimum of support which is often insufficiently tied in to the goal of facilitating participation.

3. Many years of public policy aimed at accommodating people to their disabilities has proved to be insufficient. Much rethinking has now taken place. The old approach is now giving way to a much stronger emphasis on identifying and removing the various barriers to equal opportunities and full participation in all aspects of life. Changes in the way we organise our societies can substantially reduce or even overcome obstacles found by people with disability. Integration rather than the narrower aim of accommodation is now seen as the key to inclusion in active society. The United Nations General Assembly crystallised this new approach in 1993 through the resolution on Standard Rules for the Equalisation of Opportunities for Persons with Disabilities.

4. Primary responsibility for action in this area rests with the Member States. The implementation of the new approach is going on in all Member States, in different ways, in different fields and at different paces. The Commission proposes that the Council endorse this new approach by adopting a Resolution on Equal Opportunities as a solemn political commitment of the Member States -both individually as well as collectively - to the goal of achieving equal opportunities and non-discrimination in the field of disability.

5. This Resolution should serve as a reference framework for the structured exchange of useful information between the Member States; as a platform to stimulate the clarification of common goals and the identification of best practice; and as a guide for the

development and assessment of appropriate measures within the Member States and the Community's own respective spheres of action.

6. The European Community has been active for many years in promoting better living and working conditions for people with disabilities. The Commission considers that Community level support can continue to bring significant added value to bear on the process of reflection and action within, as well as between, the Member States. The Commission therefore envisages a strategy for concrete actions consistent with the Resolution including, inter alia, the following initiatives:

- Mainstreaming. In order to optimise the integration of disability issues into mainstream Community policies and actions the Commission will strengthen the operation of its inter-service group on disability.
- Cooperation. A High Level Group of Member States' Representatives on Disability will be set up in order to keep policy developments in the Member States under review and to pool information and experience.
- Encouragement of the work of Non-Governmental Organisations (NGOs). The Commission wishes to consolidate the cooperation developed during recent years under HELIOS II. It also welcomes the establishment of the new independent European Disability Forum and intends actively to develop the contacts and stimulate the work of NGOs.
- Employment. In the preparation of the Single Report to the European Council in Dublin, the next stage in the Essen process, the Commission will take the initiative to strengthen policies for the prevention of long term unemployment and for the integration of disabled people in working life. Also, of course, it should be borne in mind that the primary goal of the Structural Funds, and notably that of the Social Fund, is the boosting of employment.
- Information and Communication Technologies (ICTs). The Commission is anxious to harness the potential of the Information Society in the pursuit of equal opportunities, especially through the development of ICTs and will set up an internal ad hoc group to that end.
- The Structural Funds. A total of 5.5 billion ECU is specifically allocated to contribute to combatting exclusion for the period 1994-99. As part of its forthcoming mid-term evaluation of the Structural Funds, the Commission will try to assess the extent and impact of actions in respect of people with disabilities. A new round of projects in the framework of the Community Initiatives, including HORIZON, is due to be launched towards the end of 1996.

7. This Communication aims at giving a renewed impetus towards the rights-based equal opportunities approach to disability, both in the Member States, and at the level of the Community. The common task is one of valuing, and making space for human diversity. This is everyone's business in a People's Europe that values fairness as well as efficiency.

1. SETTING THE SCENE: THE OBSTACLES TO EQUALITY OF OPPORTUNITY

8. One out of ten citizens in the European Community has a disability. Although there has been significant progress over the last few years, a number of problems remain which continue to account for the under-participation of people with disabilities in our societies. Such problems are well documented and attested. A particularly comprehensive report under the title "Invisible Citizens" was published by NGOs to mark the European Day of Disabled People in December 1995. The European Parliament has referred on several occasions to the adverse situation of people with disabilities and the discrimination (as well as violence) which they can experience throughout the Union. In its Resolution 83-580/93 of April 1993 it called on the Commission, *inter alia*, to set up a forum to investigate violence against people with disabilities and to draw up annual reports on their situation within the Member States. The first such report was produced at the beginning of 1996. The Economic and Social Committee has spoken of the grave situation faced by people with disabilities. The Committee of the Regions has also referred to the exclusion and discrimination felt by people with disabilities.

9. Prominent among the remaining problems - which vary considerably from Member State to Member State - are the following.

- In **education**. Many children are still excluded from mainstream schools merely on the grounds of restricted mobility, sensory impairment or communication and learning difficulties, and because those in authority are not adequately aware of, nor sensitive to, their abilities and potential. All too often, children with disabilities are confined during their school years (and even beyond) to institutions which, whilst providing special care, nonetheless isolate them and give them drastically reduced or no opportunities for mainstream social engagement.
- At **work**. Various official estimates suggest that people with disabilities are at least two to three times more likely to be unemployed and to be so for longer periods than the rest of the working population. Furthermore, they are likely to be affected disproportionately during economic downturns. Consequently, they bear a higher cost than most during periods of economic uncertainty and dislocation. Since economic independence is so basic to the exercise of other freedoms, this form of discrimination has serious repercussions for the quality of life experienced by people with disabilities.

Unemployment does not necessarily represent a corresponding lack of ability or merit. There is often a tendency on the part of employers and prospective employers to look more at the disability rather than the actual ability of the person in question and, in consequence, the value that can accrue to a company from doing so can be underrated. Inadequately adapted workplaces, inflexible work arrangements as well as the prevalence of discrimination are all contributory factors. Not enough effort on the part of employers is put into thinking how the needs of disabled employees can be positively accommodated.

- **mobility and access.** Even though considerations of access (broadly defined) loom large in our highly mobile society, many transport systems and public buildings continue to be inaccessible or accessible only with difficulty. This is compounded by architectural and infrastructure barriers. Although significant technological breakthroughs have been made in the field of communications, more could be done to optimise the liberating potential of technology and to ensure that future developments take full account of the needs of people with disabilities. The principles of 'design for all' and universal access have, of course, cross-sectoral benefits for many more groups.
- **In housing.** With housing in short supply, not enough adapted or lifetime adaptable accommodation is available to people with disabilities. Subsequent adaptation is often prohibitively expensive. This situation has adverse implications not only for people with disabilities but also for Europe's growing elderly population.
- **In welfare systems.** In the field of social security, a high proportion of people with disabilities still live close to, or even below, the poverty line. Welfare systems generally provide a minimum of support which is often insufficiently tied in to the goal of facilitating participation. Too often there is insufficient or no recognition of the extra costs and continuing needs of people with disabilities which go beyond those of the average person. Recognition of and support for independent living is still uneven. The complexity and growing mass of rules in the field of welfare and service delivery, as well as the division of responsibility between Government Ministries and administrative agencies, can be confusing and alienating in themselves. Information about available services can be diffuse and in some cases this accounts for the under-utilisation of support.

10. The under-participation of people with disabilities in all aspects of our societies deserves more heightened attention and action at both the national and Community level, for a number of reasons.

11. Exclusion and discrimination offend against various universal human rights. Respect for, and promotion of human rights and human diversity have long been characteristic features of our societies and form an essential part of our shared European values. The core right at stake is that of equality. The human rights dimension of the Community is of the utmost importance and has been emphasised repeatedly by the Court of Justice, the European Parliament and the Council of Ministers. Respect for human rights is specifically mentioned as one of the key objectives of the Union in Article F.2 of the Treaty on European Union. These basic principles of human rights and non-discrimination have been reaffirmed by the Commission in its Opinion to the Intergovernmental Conference.

12. In economic terms, structural exclusion and discrimination on the grounds of disability also sap labour market efficiency. A market that structurally excludes a significant proportion of its human resources cannot be described as efficient, much less

fair. Society as a whole (including the taxpayer) loses out when ability is not duly acknowledged and enabled to work.

13. More broadly, the European Community's current and correct sense of urgency to reduce structural unemployment, to protect existing employment and to generate new jobs, must incorporate a very practical concern for the variety of arbitrary barriers which stand in the way of labour market entry and participation for people with disabilities. The overall trend in the restructuring of labour market policies is leading to a greater emphasis being placed on active measures, in order to strengthen the ability of job-seekers to compete on the labour market, rather than being simply recipients of passive payments of income support. This trend has obvious and direct implications for the reintegration of disabled workers into the workplace.

14. Exclusion and discrimination on the grounds of disability also impose onerous costs on the welfare state. Many, if not most, of the various elaborate support programmes developed through the years by the Member States have been primarily geared towards maintenance of the person rather than his or her empowerment to participate as fully as possible in society. The lessening of dependency (and the mentality of dependency) that continues to isolate the person as well as burden the state would be of benefit to all.

2. THE NEW EQUALITY OF OPPORTUNITY APPROACH

15. The historical policy response to disability has been largely one of social compensation through charity, separate provision outside the mainstream of society and the development of specialist caring services. However needed and well intentioned, these policy responses have arguably compounded the problem of exclusion and under-participation.

16. One of the greatest challenges facing our societies today is that of valuing and making space for human diversity. Traditional economic and social processes have tended, however, to be constructed on the basis of assumptions about normality that have not included people with disabilities. A classic example is the design of transport systems and public buildings based on assumptions about the 'average' person that fail to take account of people with reduced mobility. Consequently, such persons have either been excluded from mainstream processes or have had their opportunities for participation considerably diminished.

17. The very absence, or virtual invisibility, of people with disabilities in the mainstream has tended only to contribute to popular stereotypes. This, in turn, has contributed to a self-perpetuating cycle of exclusion. It is in this way that prejudicial attitudes, the lack of equal opportunities, and discrimination can be seen to reinforce each other.

18. There is a growing recognition that this situation should not continue. A brief review of the evolution of thinking on disability issues, at European and wider international level is given in the Annex. The driving force behind this evolution has been a realisation that human difference can best be valued by the creation of social and economic processes

that are built inclusively with all persons equally in mind. The core value of equality - rendered here as equal opportunities - is now seen as the central benchmark against which economic and social structures must be assessed. It forms the essence of the rights-based approach to disability. The equal opportunities ideal is of course broader than, but nevertheless subsumes the principle of non-discrimination.

19. The overall task can best be summed up in the term 'mainstreaming'. This entails the formulation of policy to facilitate the full participation and involvement of people with disabilities in economic, social and other processes, while respecting personal choice. It also means that the relevant issues should no longer be considered separately from the mainstream policy-making apparatus, but should be clearly seen as an integral element. This approach applies to - and has benefits for - all people with disabilities regardless of the kind or degree of severity of disability in question.

20. In all Member States of the European Union, the same evolution toward an equal opportunities model in the field of disability policy has been taking place. Gradually but perceptibly, the policies of the Member States are being geared towards providing equal effective rights and not simply administering measures to overcome functional limitations. Naturally, this shift has occurred in different ways, in different fields and at a different pace between the Member States.

21. A particularly notable trend across the Member States is gradual movement away from the traditional response of developing separate structures to meet the specific needs of people with disabilities, particularly in the areas of education and employment (special schools, sheltered workshops, etc.). Such responses are being steadily overtaken by initiatives promoting integration into mainstream schools and into open and supported employment wherever possible. The design and delivery of welfare and other support programmes in all sectors is increasingly being driven by a person-centred approach - one that accentuates autonomy and which recognises the natural desire and right of the person to influence the shape of such programmes and the wish to live in his/her own home and community.

22. Some Member States already have general principles of equality and non-discrimination enshrined in their Constitutions. Some have either amended existing anti-discrimination legislation or introduced new legislation to cover people with disabilities. Other Member States are contemplating the introduction of such measures.

23. In this context, it bears mentioning that some progress has already been made by the social partners in recognising the problem of exclusion and in trying to overcome it. Many businesses have already adopted their own equal opportunities programmes in the field of disability. A particularly positive development is the *European Declaration of Businesses against Exclusion* of 1995 which embraces the situation of people with disabilities.

3. A FRAMEWORK FOR THE PURSUIT OF EQUALITY OF OPPORTUNITY

24. The Commission considers that it is essential for the European Community to clarify and confirm its overall disability strategy, the core of which should be a shared commitment by all Member States to promote equal opportunities, to eliminate discrimination in this field and to recognise the rights of people with disabilities.

25. Any consideration of the role of the European Community in this field must commence with the acknowledgement that our societies, and the Member State governments which represent them, bear the primary responsibility for actions to eliminate exclusion and discrimination based on disability. As policies to assist people with disabilities have their own cultural and social framework in each Member State, it follows that the form of responses to the objective of equal opportunities will vary with the national, regional or local context.

26. The Commission therefore proposes the adoption by the Council and the Representatives of the Governments of the Member States meeting within the Council of a Resolution on Equality of Opportunity - a suggested text for which is contained in annex to this Communication. The draft Resolution is explicitly founded on respect for the diversity of systems within the European Union and on the added value to be secured from the adoption of common guidelines toward a shared core of policy objectives. It is intended to express the solemn political commitment of the Member States - both individually as well as collectively within the Council and at the level of the Community - to the goal of achieving equal opportunities and non-discrimination in the field of disability.

27. While the Resolution constitutes an endorsement of the authoritative United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, it does not set out to repeat *verbatim* the contents of those Rules. Nor does it simply mean a reiteration of commitments already made by Member States within the United Nations system.

28. While the Standard Rules are not compulsory in the strict legal sense, they imply a strong moral and political commitment on behalf of States to take action. They also invite States to cooperate in the development of policies for the equalisation of opportunities for people with disabilities.

29. This Resolution should therefore be seen and used as a reference framework for the structured exchange of useful information between the Member States; as a platform to stimulate the clarification of common goals and the identification of best practice; and as a guide for the development and assessment of appropriate measures within the Member States and the Community's own respective spheres of action.

30. For its part, the Commission considers that Community level involvement can bring considerable added value to bear on the process of reflection required within as well as between the Member States. It also considers that key Community principles and objectives are involved which further justify its particular concern in the field. These

include guaranteeing the free movement of workers, encouraging the mobility of students, guaranteeing the achievement and development of the internal market, and guaranteeing the exercise of the rights of Union citizenship. This calls not only for the gradual raising of standards toward best practice at the level of the Member States but also for increased mobilisation at the level of the Community.

4. A EUROPEAN COMMUNITY STRATEGY ON EQUALITY OF OPPORTUNITY OF PEOPLE WITH DISABILITIES

31. The gradual evolution of thinking has provided the backdrop against which the Commission has reflected on the shape of its new disability strategy.

32. Since primary responsibility for action rests with the Member States, it follows that the Community should be concerned to bring as much added value to the process of reflection and change as possible. It is envisaged that this can be achieved along the following lines.

i) Political dialogue with the Member States

33. The Commission will arrange to consolidate the valuable cooperation that has been developed during recent years under HELIOS II, both with and between the Member States. Towards this end, and within the available appropriations, the Commission intends to set up a High Level Group of Member States' Representatives on Disability. The purpose of this group will be to keep under review the latest policies and priorities of governments concerning people with disabilities, to pool information and experience, and to advise on methods for reporting on the EC-wide situation with regard to disability in future.

34. The Commission also intends to establish an Observatory or network on national disability policies drawing on independent expertise in the Member States. The purpose of the Observatory or network will be: to clarify basic concepts and terminology; to work toward common understandings especially in the field of statistics; to provide an accurate knowledge-base of current policies; to provide independent evaluations of progress; and to produce other useful, value added and well-targeted research. It shall cooperate with other Observatories to develop synergies in its knowledge base. The work of the Observatory or network should prove of invaluable assistance to the High Level Group and it is envisaged that they would establish a mutually beneficial working relationship. The Commission may supplement the research of the Observatory from within its own research programmes, e.g., TIDE, Biomed, as the need arises. Within this context a planned Commission Communication "Community Research and Development Activities addressing Ageing and Disability" will be of particular interest.

35. In order to facilitate dialogue, the Commission proposes to arrange for a joint meeting at least once a year between the High Level Group and the European Disability Forum which is referred to in paragraph 41 below.

ii) Social dialogue between Employers and Unions

36. During the last few years the social dialogue has focused more and more on the employment issues and the social partners have strongly supported the Essen employment strategy and the efforts to integrate people in the labour market and in employment.

37. The Social Dialogue Committee as well as the Standing Committee for Employment can make important contributions to the development of new initiatives in favour of people with disabilities. The Commission invites the social partners to develop a special co-operation around the issues raised in this Communication.

iii) Civic dialogue with Non-Governmental Organisations (NGOs)

38. The Commission has been greatly encouraged by the active interest and participation of a wide range of disability organisations in the European-wide process of cooperation, and by the wide recognition of the 'added value' of European support. It was especially encouraged by the active participation of disability NGOs at its Social Forum in 1996.

39. The pooling of experience and good practice throughout the European Union has developed under successive HELIOS programmes via a number of EU networks working together on disability issues. More than 800 partners and 80 European NGOs have worked together both on a sectoral basis and collectively in this context. This has enabled basic concepts to be discussed and clarified and has provided a conduit for the wide dissemination of good practice. It has, furthermore, equipped NGOs in this field to participate more effectively in the democratic process and has enhanced their self-confidence and awareness of European-wide developments. The current HELIOS II programme is due to expire at the end of 1996. The final independent evaluation report is expected to be completed by mid-1997. One practical result of HELIOS II will be comprehensive 'Guides of Good Practice', including on economic, social and educational integration, which will be issued later this year under the auspices of the Commission.

40. To the extent that the Community budget allows, the Commission intends to continue to provide support to organisations working in the field of disability to encourage European cooperation. The primary criterion in this regard will be the contribution made to the promotion of equal opportunities at European level.

41. The Commission welcomes the recent establishment of the new independent European Disability Forum which brings together disability organisations from all Member States representing the vast majority of disability interests in the EU. Its statutes have been signed by European NGOs and National Councils currently involved in HELIOS II. The new Forum will have the opportunity of working closely with the European Institutions on a proactive basis. For its part, the Commission pledges to cooperate actively and meet on a regular basis with the European Disability Forum, with a view to consolidating the cooperation which has been built up with a wide range of NGOs in recent years.

42. Raising awareness of developments throughout the Member States and across the Community remains a priority for the Commission. This will continue to be promoted by the Commission, especially through the holding of 'National Information Days' in each Member State and by the continued use of publications such as 'Helioscope' (published in eleven official languages) and 'Heliosflash' (published in three official languages) which reaches a targeted readership of some forty thousand. A significant feature of Helioscope has been the fact that a large number of articles are normally contributed by people with disabilities. 'Helioscope' has become a well-appreciated and 'in demand' publication by and for people with disabilities, fulfilling an evident need which should continue to be met.

43. The institution each year of a dedicated 'European Day of Disabled People' has made a very positive contribution to raising awareness and to giving a European dimension to cooperation in this field. Again, to the extent that the Community budget provides, the Commission intends to continue to support such a European Day annually in partnership with the European Parliament and other Community Institutions.

44. The Commission is also aware of a new and important trend, whereby many local and regional authorities are entering into partnerships with NGOs and the social partners to work toward the creation of disability friendly environments. Embryonic networks of such cities/localities are now developing as, for example, under the **Barcelona Declaration** (1995). The Economic and Social Committee, the Committee of the Regions, and other appropriate bodies such as NGOs will be invited to advise on the further potential of such developments in both urban and rural areas and on the possible role of the Commission in bringing European added value to bear.

iv) Mainstreaming: Policy Formulation

45. The Commission has taken steps to strengthen its own internal machinery to engage all relevant Directorates General in an inter-service disability group, thus raising awareness of disability issues and encouraging more inter-sectoral cooperation within the Commission in this field. In this way it is hoped to work towards the 'mainstreaming' of disability issues in a cross-sectoral manner. Within this framework, the Commission will review the range of possible initiatives in different policy sectors, including in particular research, education and transport. The Commission will also seek the advice of the NGOs on initiatives and proposals of the Commission affecting people with disabilities.

46. An important point of principle flows from the above: namely, that all strategic thinking about changes in our societies and about timely adjustments in policy should incorporate the experience of people with disabilities. Two such strategic issues are of particular importance in the field of disability at the moment; namely, employment and the Information Society.

v) Mainstreaming: the Essen employment strategy

47. The Commission's Social Policy Action Programme (1995-7) already includes a commitment to present a coherent disability employment strategy in the form of a Communication in 1997. Some basic elements of such a strategy are now in place. In the Single Report from 1995 and in the Interim Report 1996 the Commission and the Council agreed on structural goals for the employment strategy. One of these goals is the commitment to prevent long term unemployment. Such a commitment has, when implemented, a great importance for people with disabilities, as these often have a higher risk of becoming long-term unemployed and thereby excluded. In the preparation of the Single report to the European Council in Dublin the Commission will take the initiative to strengthen policies for the prevention of long term unemployment and for the integration of disabled people in working life.

48. The social partners will be invited by the Commission to prepare a joint position in regard to good practice in this field. The Commission's 1997 Employment Report will include for the first time a special chapter on disability. The Commission is actively engaged at present in reviewing its own internal policies concerning the employment and career development of people with disabilities in the services of the Commission itself. This review will be completed before the end of 1996.

vi) Mainstreaming: Information and Communication Technologies (ICTs)

49. The Commission is actively interested in exploring the possibilities for harnessing all aspects of the Information Society in the achievement of equal opportunities for people with disabilities and in improving their living and working conditions. These questions are discussed in general in the Commission's Green Paper on Living and Working in the Information Society: "People First". An internal ad hoc group will be set up by the Commission to take this forward with the mandate to examine the scope for a special initiative at European level, building on relevant experience to date, for example in the TIDE Initiative. This will be based on a review of good applications of Information and Communication Technologies (ICTs) in favour of people with disabilities, and the further potential for developing economies of scale in making ICTs more widely accessible and useful to people with disabilities.

50. The European Disability Forum will be invited to contribute its ideas on this subject during the period of consultation on the Green Paper during the remainder of 1996. It has already been invited to advise on priority needs with regard to employment issues.

51. A specialised database called Handynet developed under HELIOS II, makes available fifty thousand items of information on technical aids to people with disabilities and to rehabilitation professionals. It is available in twelve languages on CD-ROM and is accessible in designated centres in the Member States. The Commission considers that the question of further expansion of accessibility to this system and any increase in its scope (possibly through linking it with the Internet) should be carefully reviewed.

vii) Mainstreaming: the Structural Funds

52. Since 1989, when the European Community's Structural Funds were transformed into a significant planning and development instrument, they have had the twin goals of economic and social cohesion in all the regions of the Community. Boosting employment is seen as a particular priority.

53. During the current programming period, 1994 to 1999, the Structural Funds, and in particular the European Social Fund (ESF), constitute the most important financial instrument at Community level for improving the situation of people with disabilities.

54. In the period 1994-1999, the ESF is providing support to people with disabilities mainly within the context of action to combat exclusion from the labour market. ESF support provides for the establishment of comprehensive packages of measures which form a pathway to integration/re-integration into the labour market of the socially excluded, including people with disabilities. Packages of integrated measures include guidance and counselling, support for self-employment, wage subsidies, work experience schemes etc. The actions are mainly implemented in the framework of Objectives 1 (least developed regions), 2 (regions lagging behind) and 3 (horizontal measures). A total of 5.5 billion ECU is specifically allocated to combatting exclusion for the period 1994-1999. The Member States' programming documents show that people with disabilities constitute one of the most important target groups of action to combat exclusion from the labour market.

55. In addition to these activities under the "mainstream" structural programmes, there is within the EMPLOYMENT Community Initiative, a separate strand - HORIZON - which has been put in place to deal specifically with the integration of people with disabilities into the world of work and to assist in the implementation of transnational innovative schemes involving such people. From 1994 to 1999, the sum of 513 million ECU has been allocated to EMPLOYMENT-HORIZON. A new round of projects for the period 1997-99 will be launched in the Member States towards the end of this year. In this context, the Commission welcomes the fact that a large number of the networks initiated under HELIOS II have now become active partners in EMPLOYMENT-HORIZON.

56. The Commission is now taking steps to ensure that these considerable financial resources are applied as effectively as possible, and that they are perceived as an integral part of the European Community's disability strategy. A particular information effort is being made to give greater visibility to the HORIZON Initiative. A special European conference will be held by the Commission in 1997 to take stock of promising initiatives and to examine ways of mainstreaming good policies and practice in the period ahead.

57. The URBAN Community Initiative can also contribute to improving the situation of people with disabilities. With an amount 850 million ECU this initiative aims at the regeneration of deprived urban areas which can include support actions for disadvantaged groups, including those with disabilities.

58. As part of its forthcoming mid-term review of the Structural Funds, the Commission will try to assess the extent and impact of actions in respect of people with disabilities. Furthermore, the Commission will also draw the attention of the Member States to the need to involve disabled groups more actively in the implementation and follow-up to Structural Fund action.

* * * * *

CONCLUSION

59. This Communication has charted the movement toward the rights-based equal opportunities approach to disability both in the Member States and at the level of the Community. It has recounted the various reasons why this movement has occurred and the arguments that make it compelling at the level of principle as well as practicality. The common task is one of valuing and making space for human diversity. This is everyone's business in a People's Europe that values fairness as well as efficiency.

ANNEX

THE EVOLUTION OF POLICY AT THE EUROPEAN COMMUNITY AND WIDER INTERNATIONAL LEVEL

The movement to a rights-based perspective on disability has evolved and has become broadly endorsed at the international level over the past two decades. Equalisation of opportunities for persons with disabilities has been the subject of much attention within the United Nations, its various Specialised Agencies, and other regional organisations over a long period of time. Significantly, in a major resolution passed in 1975 containing a Declaration on the Rights of Disabled Persons, the United Nations General Assembly stressed that people with disabilities have exactly the same human rights (and responsibilities) as all other persons.

The designation of 1981 as the International Year of Disabled Persons by the United Nations General Assembly inaugurated the Decade of Disabled Persons (1983-1992). The most important outcome of the International Year of Disabled Persons was the World Programme of Action concerning Disabled Persons which was adopted by the General Assembly in 1982. Apart from announcing important principles in the areas of prevention and rehabilitation, it also emphasised the right of people with disabilities to the same opportunities as other citizens and to an equal share in the improvements in living conditions resulting from economic and social development.

This new thinking was crystallised in 1993 with the adoption by the United Nations General Assembly of a resolution entitled the 'Standard Rules for the Equalisation of Opportunities for Persons with Disabilities'. These Rules were drawn up on the basis of experience gained during the United Nations Decade of Disabled Persons (1983-1992). These Rules and the values they represent have since been reaffirmed in successive UN declarations on human rights including the Vienna Declaration and Programme of Action on Human Rights (1993), the World Summit for Social Development and Programme of Action adopted in Copenhagen (1995) and the Platform of Action adopted at the World Conference on Women in Beijing (1995).

While the Standard Rules are not compulsory in the strict legal sense they nevertheless imply a strong moral and political commitment on behalf of States to take action. They also invite States to cooperate in the development of policies for the equalisation of opportunities for people with disabilities.

The international year in 1981, and the World Programme of Action to which it led, provided the stimulus for enhanced Community interest and involvement. A series of authoritative declarations and resolutions in the field were adopted by the Council throughout the 1980s and early 1990s. An important Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council was agreed on 21 December 1981 concerning the social integration of handicapped people at Community level.

A Council Recommendation was adopted on 24 July 1986 concerning the employment of disabled people in the Community. It urged the Member States to "*take all appropriate measures to promote fair opportunities for persons with disabilities in the field of employment and vocational training*" and to pursue policies providing for the elimination of the discrimination faced by disabled workers. This Recommendation also set out a guideline

framework for positive action. Another Resolution was adopted by the Council and the Ministers of Education meeting within the Council on 31 May 1990 concerning the integration of children and young people with disabilities into ordinary systems of education.

The HELIOS (1988-1992) and HELIOS II (1993-1996) programmes were designed to provide a platform for co-operation between the Member States involving the exchange of information concerning economic and social integration, equal opportunities and independent living by various general and specific means.

The Community's structural funds, especially the European Social Fund, were and are playing a significant part in Europe's drive to promote equal opportunities for people with disabilities. The mainstream Community Support Frameworks (CSFS) and the Single Programming Documents (SPDS) 1994-1999 either have measures devoted directly to disability, or provide measures which can be utilised by people with disabilities. The Employment Community Initiative has a specific strand - HORIZON - specially dedicated to the integration in the labour market of people with disabilities.

Other significant initiatives or programmes include Socrates (partnerships and exchange between schools and colleges), Leonardo da Vinci (vocational education and training), the TIDE Initiative (Telematics for the Integration of Disabled and Elderly Persons) and RTD (Research and Technological Development). As the HEART study under TIDE demonstrated, although service delivery models must be tailored to the characteristics of individual Member States, a minimum of convergence on standards should be promoted to make possible similar levels of opportunities for people with disabilities and to enhance the competitive position of European manufacturers. ESPRIT, the Information Technologies Programme, contributes to raising levels of opportunities - for instance the projects INTER (the development of artificial limbs directly interacting with the human nervous system) and SCATIS (virtual hearing, the results of which may become of help to people with hearing problems).

A forthcoming Communication from Directorate General XIII intends to outline an holistic approach to research and development addressing the needs and potential of older people and people with disabilities. That Communication should outline a research agenda aimed at the generation of knowledge which can help inform decision makers in facing the social, economic and environmental challenges and opportunities presented by a European population which is ageing and has increasing numbers of citizens with disabilities.

The SPORTS programme also includes specific actions for people engaging in sports who have disabilities. The Community Action Plan to assist Tourism, which was established in 1992, considered people with disabilities as a category of tourists which need more focused attention since tourism and leisure activities help achieve social integration of people with disabilities. Reference must also be made to the Commission's 1996 Green Paper on transport entitled 'The Citizens' Network' which takes into account the needs of people with reduced mobility.

At a broader regional level the Council of Europe, in its own landmark resolution of April 1992 entitled a 'coherent policy for the integration of persons with disabilities', has also developed an interesting model for its Member States to provide equal opportunities for persons with disabilities.

II.

DRAFT

**RESOLUTION OF THE COUNCIL AND OF REPRESENTATIVES
OF THE GOVERNMENTS OF THE MEMBER STATES MEETING
WITHIN THE COUNCIL**

ON

**EQUALITY OF OPPORTUNITY
FOR PEOPLE WITH DISABILITIES**

DRAFT

**RESOLUTION OF THE COUNCIL AND OF REPRESENTATIVES OF THE
GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE
COUNCIL**

ON

**EQUALITY OF OPPORTUNITY
FOR PEOPLE WITH DISABILITIES**

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

Having regard to the Treaty establishing the European Community;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Having regard to the Opinion of the Committee of the Regions;

1. NOTE the Communication of the European Commission entitled "Equality of Opportunity for People with Disabilities - A New European Community Disability Strategy";
2. NOTE that people with disabilities constitute a significant proportion of the population of the Community and that, as a group, they face a wide range of obstacles which prevent them from achieving equal opportunities, independence and full economic and social integration;
3. NOTE that respect for human rights is a fundamental value of the Member States and note that it is specifically mentioned in Article F.2 of the Treaty on European Union;
4. FURTHER NOTE that the principle of equality of opportunity for all, including people with disabilities, represents a core value shared by all Member States;

5. RECALL that the Council Recommendation of 24 July 1986 on the employment of disabled people in the Community¹ stipulated that Member States
“take all appropriate measures to promote fair opportunities for disabled people in the field of employment and vocational training including initial training and employment as well as rehabilitation and resettlement”
6. EMPHASISE that the free movement of persons, the completion and development of the internal market, and the advancement of the rights of consumers must be ensured for the benefit of all the citizens of the European Union, including those with disabilities;
7. CONSIDER that increasing social cohesion within the European Community implies promoting the equality of opportunity for, and the elimination of discrimination against, people with disabilities; and furthermore, EMPHASISE that access to mainstream education and training constitutes a precondition for successful integration in economic and social life.
8. RECALL that the overall purpose of the United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, adopted by the General Assembly on 27 December 1993² is to ensure that all people with disabilities may exercise the same rights and obligations as others;
9. RECALL that these Rules call for action at all levels both within States as well as through international cooperation to promote the principle of equality of opportunity for people with disabilities;
10. RECALL that the White Paper "European Social Policy - A Way Forward for the Union", adopted by the Commission on 27 July 1994³, indicated that the Commission intended to prepare an appropriate instrument endorsing the principles of the United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities;
11. EMPHASISE that while responsibility in this field lies primarily with the Member States, the European Community has a contribution to make in promoting cooperation between Member States in this field and in encouraging the exchange and development of best practice in the Community;
12. EMPHASISE that the aims set out in this Resolution on the equalisation of opportunities for people with disabilities and the ending of discrimination are without prejudice to the right of each Member State to lay down its own rules and provisions

¹ OJ No L 225/43, 12. 8. 1986.

² United Nations General Assembly Resolution 48/46 of 20 December, 1993.

³ COM(94) 333 of 27 July 1994.

for achieving the said aims, and thus take fully into account the principle of subsidiarity.

Hereby **ADOPT** this Resolution whereby the Member States :

REAFFIRM the principles and values that underline the United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities. This entails

- upholding the principle of equality of opportunity in the development of comprehensive policies in the field of disability, and
- avoiding or abolishing any form of discrimination grounded on disability.

Within the scope of this Resolution,

- "people with disabilities" is taken to include any person with an impairment of a physical, sensory, mental, or intellectual nature who faces obstacles to participation on equal and equally effective terms with all others in all aspects of the life of the community.
- "equalisation of opportunities" denotes the process through which the various systems of society and the environment, such as services, activities, information and documentation, are made available to all on an equal and equally effective basis.

The principle of equal effective rights implies that the needs of each and every individual are of equal importance, that the respect for human diversity must be the basis for the planning of societies and that all available resources must be employed in such a way as to ensure that every individual has an equal opportunity for participation.

UNDERTAKE to adapt relevant national policies, where necessary or appropriate to the Guidelines appended to this Resolution.

UNDERTAKE that there will be mutual cooperation and co-operation with the Commission in the generation and collation of base-line data in respect of people with disabilities.

UNDERTAKE to ensure that representatives of people with disabilities are more actively involved in the implementation and follow-up of relevant Community policies and actions in their favour.

Consequently the Member States **INVITE** the Commission:

- a) To promote through appropriate mechanisms - in collaboration with the Member States and with non-governmental organisations of and for people with disabilities - the systematic exchange of useful information, statistics and experience especially concerning innovative policies and good practice.
- b) To ensure that the principles set out in this Resolution and the Guidelines attached thereto are also taken into consideration in the internal policies of the Commission and in any proposals it submits on Community legislation, programmes and initiatives.
- c) To submit periodic reports to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the basis of information supplied by the Member States, describing the progress made and the obstacles encountered in implementing this Resolution.

And **INVITE** other Community Institutions and organs to consider how they might better integrate the aforementioned principles in the framework of their own internal policies and activities.

GUIDELINES.

Guideline Framework for the Achievement of the principle of equality of opportunity for people with disabilities.

Set out below are a number of areas which should be actively considered by the Member States in seeking to achieve equality of opportunity in the field of disability.

1. *Empowering People with Disabilities for Participation in Society*

a. Respect for Autonomy and Independence. This can be done by recognising people with disabilities as capable, responsible individuals who have their own and equally legitimate life-choices. Among other things, it entails support for the concept of independent living and the means necessary to achieve it. The achievement of integration and participation, as well as the methods used, should at all times be fully consonant with, and respect the dignity, independence and privacy of the individual with disabilities.

b. Readjusting Education and Training Systems to Facilitate Participation: This can be done by priming people with disabilities to the very best of their own talents to enter and participate in society on equal terms and to enter the labour market at a level commensurate with their abilities. It is to be achieved, *inter alia*, by accelerating the trend of placing children with disabilities into ordinary schools while respecting the principle of choice and by ensuring a mutually beneficial and inclusive continuum between 'ordinary' and 'special' education. There should be more active labour market measures promoting access to open and supported employment of people with disabilities. Experimentation with innovative trends (teleworking, self-employment, integration into local employment initiatives and job creation projects in the new sectors of employment-intensive growth, etc;) can open new pathways to employment. The application of information and communication systems has been shown to enhance the efficiency and effectiveness of the contribution of disabled people to the labour market. A necessary component of such a strategy entails a re-examination of training schemes to ensure their relevance.

c. Readjusting Welfare and Other Supports to Facilitate Participation: This can be done by re-conceptualising such supports to ensure that they do not compound the isolation of the individual but that they play their own part in actively facilitating participation. In particular, the task of meeting the continuing needs of people with disabilities should be viewed as an essential support for ongoing participation. General health and, rehabilitation and preventative strategies should be more closely tied, where appropriate, to the pursuit of equal opportunities. The positive trend toward Community Based Rehabilitation (CBR) should be actively promoted and supported.

d. Moving Towards a Person-Centred Approach in the Design/Implementation of Support Services : This can be done by improving the design and delivery of services. A key

feature of such changes should be a focusing on the perspective of people with disabilities in the initial design and subsequent review of support systems and in their concrete implementation.

e. *Mainstreaming* : This can be done by giving priority to the provision of services and assistance within mainstream structures and ensuring that people with disabilities are able to live in the community and pursue an ordinary lifestyle with the necessary level of support which should be efficient and cost-effective.

f. *Ensuring Seamless Provision of Services*: This can be done by taking steps to ensure coordination of service design and delivery, by providing a process for clarifying jurisdictions and fields of responsibilities, by ensuring that provision tracks the life-cycle of people with disabilities and that no gaps exist, and by the development of cohesive and accessible information strategies. Special consideration should be given to the establishment of inter-departmental coordination groups.

g. *Ensuring the Principle of Participation*: This can be achieved by encouraging and facilitating the growth of directly representative non-governmental organisations (NGOs) of people with disabilities and the development of dialogue at all levels in the formulation and evaluation of all relevant legislative measures and in the delivery of services. This should also include all policy areas which may have implications for the enjoyment of the principle of equality of opportunity for people with disabilities. Such participation should be seen as a prerequisite to effective policy development. Special consideration should be given to supporting national networks of such NGOs through, *inter alia*, the use of information technology. Special consideration should also be given to engaging such NGOs as full partners with local authorities, business and commercial organisations, and trade unions in developing local strategies in favour of equal opportunities and non-discrimination.

2. *Removing Access Barriers to Participation:*

Viewing access issues in the light of the principle of equality of opportunity and the right to participate: This can be done by progressively removing existing architectural, communications and transport barriers and by developing detailed and enforceable guidelines on accessibility. It can also be done by ensuring a barrier-free environment in the design and construction of new facilities and in the development of new communications technologies. Special consideration is required of the need to harness positive developments in the field of information and communications technologies.

3. *Opening Up Various Spheres of Society*

a. *By Upholding the equal civic status of people with disabilities* : This can be done by giving people with disabilities equal and equally effective rights to enter and participate in all spheres of society including the social, educational, economic, cultural, sporting, tourism and political spheres. Among other things, this may entail the provision of anti-discrimination

measures and remedies. Any such anti-discrimination measures should incorporate the principle of 'reasonable accommodation' to the situation of people with disabilities. Equal concern must also be placed on substantive matters concerning steady and real improvements in the quality of life.

b. By Promoting Employment for people with disabilities as a key to integration: This can be done by implementing concerted strategies to that end at various levels: in education, training, employment, non-discrimination, social welfare, social services, housing, health, etc. Again, these are areas where the introduction of anti-discrimination legislation may be called for. Any such legislation should normally include the requirement of 'reasonable accommodation' to the situation of the person with disabilities. Special consideration should also be given to actively developing and facilitating the trend toward 'supported employment'.

4. Nurturing Public Opinion to be Receptive to Strategies on Equality of Opportunity for People with Disabilities.

Developing awareness and education: This can be done by the development of strategies aimed at influencing fundamental social attitudes to people with disabilities through awareness-raising and information. Such strategies should be aimed at focusing public attention on the individual before and behind the disability. They should be directed at making the public aware of the positive abilities of people with disabilities as well as their equal human desire and right to participate and share in the obligations of participation.