

## Introduction

**Since the start of the new millennium significant developments with regard to the place of persons with disabilities in society have taken place.**

In 2003 the European Union launched the European Year for Persons with a Disability under the slogan 'nothing about us without us'. As the spin off of this European Year, the European Commission launched the Disability Action Plan focusing the efforts of the Commission on the implementation of equal rights and opportunities for persons with disabilities in Europe.

In September 2006 in Saint-Petersburg (Russia), the Council of Europe launched its Action Plan on Disability 2006-2015 and only a few months later, the United Nations Convention on the Rights of Persons with a Disability came to an agreement in New York.

As providers we have to carefully study and start implementing these international scene setting documents. The consequences are important, the challenges huge. But as a network of service providers EASPD is committed to contribute to this very important process.

Throughout this newsletter, more information will be given on the concepts, values and principles embedded in the different documents and the different ways how to implement it will be explored.

EASPD's General Assembly in Lisbon (November) will focus on the implementation of these three very important documents and the role service providers play in this regard.

We wish all our members well in seizing the opportunities and addressing the challenges presented by the documents in the months and years ahead.

*Brian O'Donnell, President EASPD & Luk Zelderloo, Secretary General EASPD*

All three documents point at the same direction: the shift in paradigm in society, the shift in how citizens, authorities, politicians, researchers and providers approach disability. It is the shift from segregation towards inclusion, from focusing on the disability toward recognising the abilities of people. From a medical defect approach towards a social, human rights and citizen's approach. As a European Association of Service Providers we very much welcome these developments, all of which should lead to equal opportunities and full participation of persons with disabilities in mainstream society as equal citizens.



*Brian O'Donnell*



*Luk Zelderloo*

## The UN convention and social services

(Jelle Reynaert – Policy Officer EASPD)

### Factbox

#### **Name:**

*Convention on the Rights of Persons with Disabilities*

#### **Relevance:**

*The Convention – the first core human rights treaty of the 21st century – represents an important legal instrument prohibiting discrimination against persons with disabilities in all areas of life and includes specific provisions related to employment, education, health and access to information, public facilities and services.*

#### **Approach:**

*The Convention is intended as a human rights instrument with an explicit, social development dimension. It adopts a broad categorization of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to persons with disabilities and identifies areas where adaptations have to be made for persons with disabilities to effectively exercise their rights and areas where their rights have been violated, and where protection of rights must be reinforced.*

#### **State of play:**

*The Convention entered into effect one month after it had been ratified by minimum 20 countries. Today, the Convention is signed by over hundred countries from over the whole world.*

#### **More info:**

*<http://www.un.org/esa/socdev/enable/>*

#### **EASPD's position:**

*EASPD was actively involved in the development of the EU position as regards the UN convention. Since service providers play an important role in the actual implementation of the convention, EASPD will develop tools to help service providers implementing the convention.*

The UN Convention is the first comprehensive human rights treaty of the 21st century and is the first human rights convention to be open for signature by regional integration organizations. It marks a “paradigm shift” in attitudes and approaches to persons with disabilities.

The Convention reflects core elements of EU policy, but still, by signing it, the European Union and the different member states took up an important responsibility. In order to inform service providers on the impact the Convention will have on their work, the most important articles touching social services are listed here:

#### ● **Article 2: definitions**

- Reasonable accommodation: the absence of reasonable accommodation constitutes a form of discrimination
- Universal design: services need to be usable by all people

#### ● **Article 19: living independently and being included in society**

- The appropriate services and resources need to be available at community level. This contributes to allowing people with disabilities to have the opportunity to live within their local community.

#### ● **Accessibility to services is a transversal theme and comes back in:**

- Article 9: access to information (e.g. sign language)
- Article 13 & 29: Access to legal support services to participate in civil and political life
- Article 24: Inclusive education systems with appropriate measures to facilitate learning of Braille and sign language
- Article 25: Access to health services (reference to reproductive health)
- Article 27: Access to social protection and poverty reduction programmes
- Article 30: Access to sports and culture

#### ● **Participation of people with disabilities in decision making processes is a transversal theme:**

- On the individual level: peer support (art. 26) and own choice (art. 20)
- On the level of the service: local support (art. 19)
- On the level of systems and policies: regulation of services (art. 4.3)

#### ● **Specific support measures for people with disabilities (strong reference to own choice, affordable cost, proximity of the service) is a transversal theme throughout the convention:**

- Assistive devices and personal assistance services in:
  - Article 20 on personal mobility
  - Article 26: Rehabilitation involving the sectors of health, social services, employment, education,...

#### ● **The following articles are about professionals and staff working with persons with disabilities:**

- Article 4: Training on the rights recognized in the convention to better provide the assistance and services guaranteed by those rights
- Article 9: Provide training for stakeholders on accessibility issues
- Article 25: Provide training for health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent
- Article 26: Promote the initial and continuing training for people working in rehabilitation services

It is clear that social service providers will play a crucial role in the effective implementation of the convention. The main challenge for them is to reduce the gap between legislation/policies and practices/people's lives. EASPD commits to take up its responsibility and to develop tools to facilitate an effective and efficient implementation of the Convention.

## Interview with Ms. Belinda Pyke on the UN convention



Belinda Pyke

(European Commission – DG EMPL – Director of the Directorate “Equality between Men/Women, Action against discrimination & Civil Society” under which the disability unit resides)

### What is the importance of the UN convention for European citizens with a disability?

The adoption of the Convention a year ago marked a real step forward in society's attitude to people with disabilities and the Commission is committed to promoting the full implementation of the Convention which, I would recall, aims to secure the full and equal enjoyment of human rights and fundamental freedoms of the 650 million persons with disabilities world wide, including some 50 million disabled citizens in the EU.

The European Community (represented by the German Presidency) signed the Convention in New York on its opening day for signature (at the end

of March), along with most of the EU Member States. I would add that this is the first time that the European Community has signed a core UN Human Rights Convention. As Commissioner Vladimir Spidla pointed out at the time “by signing the Convention on the day of its opening, Europe will remain at the forefront of this very important procedure of strengthening the rights of people with disabilities and moving the European Disability Strategy forward. This is an important achievement in the European Year of Equal Opportunities for All”.

### How would you describe the EU strategy with regard to the implementation of the convention? How do you see the role of the High Level Group on Disability? What is the place of the disability action plan in this bigger picture?

Signatures of course are not enough. We now need to move to the next stage which is the ratification of the Convention by the Member States and its conclusion by the European Community and then to ensure that it is reflected in policies and practices. I am pleased to report that, at the first ever Informal Ministerial meeting on Disability issues which took place in Berlin in June, the European Commission and the Member States confirmed the need to work together, in cooperation with those most concerned, to develop a common strategy for implementing the Convention.

An important tool for this will be the European Disability High Level Group, which I chair. We have been given the

task of assuring an exchange of information and good practices and in particular, to identify common challenges and their solutions. And we will report back to the further ministerial disability conferences of future EU-Presidencies on progress in implementing the Convention.

Of course our work is facilitated by the fact that the UN Convention encompasses the essential elements of the existing EU Disability Strategy, combining anti discrimination, equal opportunities and active inclusion. We are now preparing the 2008-2009 Action Plan to deliver the Strategy and the theme of accessibility, one of the principles of the Convention, will be at the core of our proposals.

**Ingrid Körner**  
President of Inclusion Europe – DE

*“The UN Convention as well as the Action Plans of the European Commission and the Council of Europe are based on the vision that people with (intellectual) disabilities are citizens with equal rights. This entails that they are far more than just users of services and any reference to them as mere ‘users’ or ‘stakeholders’ does not do them justice. As equal human beings they have the right to be regarded as entire persons who need the support of services only in some limited areas of their personal life. The challenge posed by the mentioned international documents to service providers as well as to self-advocates, family members and to Inclusion Europe as their representative organisation is to give people with intellectual disabilities CONTROL over their services rather than mere participation in decisions that are about their personal life and future.”*



Ingrid Körner

**Phil Madden**

Director of service development,  
Home Farm Trust (HFT) – UK

*The Convention does not have to directly affect present practice since UK laws are quite clear on discrimination, and are more prescriptive than the convention. However, it will add weight to the discussion about how to be creative in combating discrimination!*

**James Churchill**

Chief Executive of the Association  
for Real Change (ARC) – UK

*The wonderful thing about the UN Convention is that it provides an international benchmark by which countries can be judged. No country can ignore the fact that not only are the rights of disabled people clearly internationally established, but now also the means whereby they should be delivered in every country. For ARC’s members the UN Declaration will not make a huge difference in the way we do things in the UK but it will provide individuals with the tools to ensure that our local authorities really do tackle the problem of discrimination and barriers to inclusion*

**What is the relevance of the UN convention for social service providers for people with disabilities?**

The UN Convention explicitly mentions social services under article 26 on “habilitation and rehabilitation” and indicates certain characteristics that those services should have. Let me highlight two aspects: the proximity of those services to the persons with disabilities themselves and the training of professionals and staff delivering those services. The adequate compliance with these two requirements would have a positive impact on the quality of the services provided and are certainly relevant for the organisations providing those services that need to respond to these challenges.

Social services of quality are a precondition for people with disabilities to fulfil their rights, for example, to live independently as mentioned in article 19 of the UN Convention. And so, social service providers have the opportunity to respond to the growing needs for quality services that are affordable, accessible, and flexible to suit the diversity of needs of people with disabilities.

**EASPD thanks Mrs. Pyke very much for the kind cooperation in this interview and wishes her all the best in her future work.**

**Council of Europe Action Plan (AP) to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006 – 2015.**

**Improving the quality of life of persons with disabilities in Europe through the Council of Europe Disability Action Plan 2006-2015**

(Viveca Arrhenius, Ministerial Adviser, Ministry of Social Affairs and Health, Finland.)

Last April Ms. Arrhenius was elected Chairperson of the European Co-ordination Forum for the Council of Europe Disability Action Plan 2006-2015 (CAHPAH). EASPD had the opportunity to interview her.

**Why is the Council of Europe Disability Action Plan 2006-2015 so important?**

In March 2007 the United Nations Convention on the Rights of Persons with Disabilities was opened for signature. The UN Convention, which is a legally binding treaty for Member States, sets the goals for future Disability policies in all Member States.

The Council of Europe Action Plan was prepared at the same time as the UN negotiations were under way. Therefore, the Action Plan has covered, from the very start, the same thematic areas as the UN Convention. The Council of Europe Disability Action Plan can be seen as a Pan-European implementation strategy to the UN Convention.

The key objective of the Disability Action Plan is to serve as a practical tool for

developing and implementing national disability strategies that bring about full participation of persons with disabilities and combat discrimination.

The Plan has 15 action lines covering all key areas of life. It also highlights human diversity and focuses on the specific needs of women and girls with disabilities, people with very complex support needs, children and young people with disabilities, ageing of people with disabilities and people with disabilities from minorities and migrants. This approach is a genuine characteristic of the Council of Europe Disability Action Plan.

The Council of Europe provides a Pan-European platform for strategic planning



and policy making for its 47 Member States. The Action Plan is a comprehensive framework that is both flexible and adaptable in order to meet country-specific conditions. It assists Member

States in offering a roadmap for policy makers, to enable them to design, adjust, refocus and implement strategies, plans and innovative programmes.

### **What is by your opinion the role of the European Co-ordination Forum for the Council of Europe Disability Action Plan 2006-2015 (CAHPAH)?**

The European Co-ordination Forum for the Council of Europe Disability Action Plan 2006-2015 (CAHPAH) is the first ever intergovernmental committee on disability policy-making at Pan-European level consisting of 47 member states.

Its role is to promote, implement and follow up the Council of Europe Disability Action Plan. The Forum is furthermore designed to effectively co-ordinate intergovernmental and intra-institutional co-operation in the disability field together with international and non-governmental organisations and observers.

Member States have the primary responsibility for implementing disability policies at national level. The Forum's role is to assist member states in their elaboration of strategies, disability policy programmes and actions. A better quality of life of persons with disabilities in Europe can for example be achieved by awareness raising campaigns, providing accessible and high-quality ser-

vices and support and by mainstreaming disability throughout all policy areas.

The Forum provides a new Pan-European platform for dialogue and action on disability policies. The members of the Forum are senior government officials representing the 47 States. Other participants include representatives of the different bodies and committees of Council of Europe, other international intergovernmental organisations (UNO, UNESCO, UNICEF, WHO, ILO, UNDP, OECD), observer states (Canada, Holy See, Japan, Mexico, United States of America), the European Commission, and non-governmental organisations (European Disability Forum). The first meeting of the Co-ordination Forum was held in April 2007 in Strasbourg.

The Forum shall also focus on strengthening European co-operation in the field of disability and should allow for effective exchange of information, experience and best practice in a structured way. The Forum is the place where east meets west and north meets south.

### **How do you envisage the role and work of service providers and other stakeholders?**

It is important to understand that the Council of Europe consists of 47 Member States with different economic, social and cultural traditions and conditions. The role played by service providers and non-governmental organisations at national level varies from Member State to Member State.

At European level, a strong political commitment towards co-operation with different stakeholders was manifested in the terms of reference of the Co-ordination Forum on the Disability Action

Plan. The Council of Europe sends a clear message saying that we want to develop disability legislation, policy and action across Europe together with all relevant actors in the field.

Service providers and other partners have much to offer when it comes to promoting, implementing and following up the Council of Europe Action Plan. All partners are invited to assist the Council of Europe and its member states in promoting the Action Plan across Europe. Service providers have their own

#### **Factbox**

**Name:**

*Council of Europe Action Plan (AP) to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006 - 2015.*

**Relevance:**

*Implements a shift from a medical model of disabilities to a social and human rights-based model and aims at long-term intergovernmental co-operation amongst all 47 Council of Europe member states.*

*The Action Plan could also become a policy tool to assist member states to put into practice the recently adopted UN Convention.*

**Approach:**

*The AP proposes viable strategies to bring about full participation of people with disabilities and mainstreaming disabilities throughout all policy areas. This is set out in 15 action lines.*

**State of play:**

*- A co-ordination Forum (CAHPAH) is set up, the forum will meet one's a year.*

*- Chairperson of the Forum: Ms Viveca Arrhenius (FI), vice-chair is Mr Péter Kemény.*

*- CAHPAH will discuss a concrete and focused work programme promoting the AP*

*- EASPD has a seat in CAHPAH and represents the International NGO's (INGO)*

**More info:**

*Text of the AP:*

*[http://www.coe.int/t/e/social\\_cohe-sion/soc-sp/integration/02\\_council\\_of\\_europe\\_disability\\_action\\_plan/Council\\_of\\_Europe\\_Disability\\_Action\\_Plan.asp#TopOfPage](http://www.coe.int/t/e/social_cohe-sion/soc-sp/integration/02_council_of_europe_disability_action_plan/Council_of_Europe_Disability_Action_Plan.asp#TopOfPage)*

*Head of Unit CoE:*

*Mr Thorsten Afferbach.*

**EASPD's position:**

*EASPD is member of CAHPAH and will actively promote the implementation of the Action Plan. During 2009 EASPD will organise in Strasbourg a thematic conference focusing on action line 4, Education.*

**Maarit Aalto**

Researcher FDUV – FI

*The importance of the Council of Europe Action Plan for people with disabilities is a basic support for the future direction of the political work as regards handicap and for the development of high quality services. It also gives direction for future planning. Therefore it is important to disseminate and implement the Action Plan on the level of the EASPD membership.*

*For FDUV, the Council of Europe Action Plan is a tool for continued and strengthened efforts in service providing for people with disabilities.*

**Joke Ellenkamp**

General Manager of Pameijer – NL

*The Action Plan is to the service providers what the tendrils are to the grapes. The Action Plan cultivates and supports and gives directions. Even if the grapes do not realise this. The service user will, nevertheless, benefit from a much higher quality of the product than that otherwise would have been accomplished.*

*This is not an empty metaphor. Many service providers still do not recognise the enormous influence European legislation has upon their day to day activities. Still, the good practices are communicated and have their effect; a shared value system in Europe is emerging. The importance of this can hardly be overestimated.*

*We welcome the European Action Plan as essential tendril in our development.*

most valuable networks and they reach people who the official system may be unable to reach. They have their own role to play when building up knowledge and know-how e.g. concerning quality of services and training of staff.

**What is your personal ambition?**

As Chairperson of the Co-ordination Forum I am very satisfied with how the work started during the Forum’s first meeting in April 2007. We managed to build a structure with a bureau, a drafting group and a web site for collecting information on disability strategies and legislation from 47 member states. Now the platform is in place we can start developing actions and activities across Member States and in partnership with all participants and observers of the Forum.

In the coming years, I would like to see actions and activities emerging in different parts of Europe in co-operation with relevant stakeholders. My dream is that the Co-ordination Forum would be considered as a future-oriented and proactive platform for the exchange of information, dialogue and best practice in the disability field across Europe. We would need to include all Member States on an equal footing and build strong support for the Forum by all Member States and partners in the years to

Service providers can furthermore contribute by providing feedback on the assessment of services.

The most important role is perhaps to boost the disability agenda by taking part in the dialogue at European level.

come. I hope governments will discover the merits in working side by side with non-governmental organisations and other stakeholders when implementing and assessing disability policies and strategies. I wish the Forum would become a meeting place, discussion forum and think tank for all of us.



Viveca Arrhenius

**EASPD wants to thank Mrs. Arrhenius for her kind cooperation to this article and will continue to contribute as much as possible to the important work being done in the CAHPAH.**

# Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: Equal opportunities for people with disabilities: A European Action Plan.

## A European action plan leading to equal opportunities for people with disabilities?!

(Hilde De Keyser, Research & Development Officer EASPD)

2003 has been a significant year for the disability sector in many ways. It would have been a pity if that momentum of the European Year of Persons with Disabilities wouldn't have been used to start to walk the path towards real equal opportunities. The partners of the European Year of People with Disabilities, with as leading partner the European Commission, therefore agreed to draft an action plan with as time horizon 2010 which would be evaluated and updated every two years by a bi-annual report.

This is four years ago and a lot of steps have been taken, even more still need to be taken. This short article wants to give you an insight on what the European action plan is standing for and where it is heading.

The European action plan was (and is) a crucial document because of the human tone which is to it, the focus on quality of life issues and family care policies. It proves its human rights based approach by focussing on accessibility, mainstreaming of the disability perspective to other relevant policy-fields, stakeholder cooperation, employment and inclusion.

All stakeholders, and thus also the service providers, need this document to be a support for the shift towards more person-based services in the disability-field, towards high quality services and mainstreaming. That is why we actively contributed to the bi-annual reports on the action plan, updating and improving the focus of the initial document and directing it to a more open view on different topics:

**Employment** is of utmost importance in order to reach inclusion and full participation for people with disabilities but it is not the only issue. The follow-up of both employment and the risks of the benefit trap should be taken into account as well. Over the last 4 years EASPD repeatedly drew the attention to these issues which resulted in the most recent bi-annual report being much less 'exclusively' employment-focussed as the previous ones.

When drafting a multi-annual action plan towards equal opportunities we shouldn't overlook the people with high dependency needs and linked to that the importance of real **stakeholder cooperation**. Although we agree that representatives of people with disabilities and their families and friends are the first and main consultation partner for European institutions, we are convinced of the value of the contributions of professional, service providing associations as well. Their role in raising awareness and as a bridge builder in an inclusive society cannot be underestimated. Their positions enables them to reflect on a multitude of aspects such as: the cost price of the support services, the needs of staff and employers, the necessary changes in the social security and support structures in the member states, to give advice in order to support people with disabilities to reach the utmost of their abilities in every area of life. It is a challenge to improve the openness towards real stakeholder cooperation amongst partners but if we want to reach real inclusion we need to keep this focus alive.

## Factbox

### Name

*Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: Equal opportunities for people with disabilities: A European Action Plan.*

### Relevance

*This document is one of the results of 2003 the European Year of People with Disabilities, launched in order to achieve a sustainable and an operational approach to disability-issues throughout Europe. Every two years a bi-annual report are drafted on the basis of this multi-annual action plan. These reports will identify new priorities in the situation of people with disabilities in the enlarged EU.*

### State of play

*The European Commission together with all the partners of the European Year of People with disabilities 2003 called for the momentum of the year to be used which lead to this Communication. The three operational objectives of this Communication are:*

- *Achieving full application of the Equal treatment in Employment and Occupation Directive (2000/78/EC)*
- *Reinforcing mainstreaming of disability issues in relevant Community policies*
- *Improving accessibility for all*

### More information

*Text of the Action Plan:*  
[http://ec.europa.eu/employment\\_social/news/2003/oct/en.pdf](http://ec.europa.eu/employment_social/news/2003/oct/en.pdf)

*Head of the disability unit of the EC: Wallis Goelen*

### EASPD's Position

*One of the important topics in the Communication is stakeholder cooperation. We as service providers are convinced it is of crucial importance to put this ideal into practice in order to come to mainstreaming of disability-issues and inclusion of people with disabilities. The most recent bi-annual report focussed on the accessibility of services, which is a very important issue for us as a network of service providers. EASPD provides regular input for the bi-annual reports.*

**Paul Trehin**

Vice-President Autism Europe – FR

*While we approve the Commission's directives and other communications about people with disabilities, Autism Europe considers that employment, albeit an important aspect of non discrimination, is not the only or the primary one. Life long learning and accessibility should take into account the cognitive difficulties faced by people with autism. Last but not least, discrimination by association (impact on the families: for example, loss of job due to lack of services) is not addressed.*

*This why we are expecting from the Commission a broader directive on non discrimination, going beyond employment of people with disabilities and accessibility linked to mobility or sensory impairments.*

**Bas Treffers,**

Vice-president EDF

*In 1976 the United Nations general Assembly decided to celebrate an International Year of Disabled People in 1981. 30 years later they adopted the Convention on the Rights of Persons with Disabilities. 30 years with milestones like Article 13 of the Treaty of Amsterdam, which fixed the prohibition of discrimination of disabled people throughout the European Union. On a larger extent the Council of Europe adopted the Disability Action Plan in October 2006 in St. Petersburg and lately the European Union launched a similar, more binding plan. On all levels the European Disability Forum (EDF) and its members played a vital role within these processes.*



Bas Treffers

*However, intentions are not enough. D.P.O.'s on all levels will have to monitor the measures which will be taken on the basis of these documents. The disability movement, so individual disabled people and their organisations must have strong input in policies, regarding all aspects of life. An important aspect is the attitude of service providers in this respect. EASPD will hopefully play an important role in supporting disabled people both on individual and organisational level. Not only by treating and caring, but also by respecting choices and supporting empowerment of disabled people.*

In order to reach the goals for 2010 we think the following important challenges should be part of the coming bi-annual report:

- The demographic reality is changing and this has its effect on the disability sector. It is crucial to start a debate in this regard. According to us, the coming years of the action plan should focus on this additional topic.
- In order to reach the goal of equal opportunities Coherence between the different documents addressing the issue is crucial.
- Accessibility should be approached as the multi-layered concept it really is. Without taking into account availability, adaptability and affordability actual accessibility will never be reached.
- The next important step in the European Action Plan is the implementation in reality.

The European Action Plan of the European Commission is a living document which started of from a strong starting point and evolved towards an even stronger position now, taking into consideration new challenges and opening up perspectives. We as EASPD will keep a close look on the evolution in the near future in order to achieve the goals which were set for 2010 and the implementation of the document. If all partners together achieve the goals and the implementation of this document this will mean an important improvement in respecting the human rights of people with disabilities and the equality of their chances.

**Find out more on international policies and European events on the new EASPD website:**

**[www.easpd.eu](http://www.easpd.eu)**

 **Rome, Italy**  
14-16 February 2008

Conference  
'Legal Frameworks to facilitate the development of Community Based Settings & Person Centred Services - Implementation of the UN Convention'

EASPD Board,  
Standing Committees

 **Lisbon, Portugal**  
9-10 November 2007

Conference  
'Walking with families'

European Song Festival  
Organised by ARCIL

EASPD Board, General Assembly,  
Standing Committees

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