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*Committee on Employment and Social Affairs*

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## **DRAFT REPORT**

on Mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020(2010/2272(INI))  
Committee on Employment and Social Affairs

Rapporteur: *Ádám Kósa*

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### **on Mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020 (2010/2272(INI))**

*The European Parliament,*

- having regard to the European Union Charter of Fundamental Rights<sup>1</sup>,
- having regard to the Community charter of the social fundamental rights of workers<sup>2</sup>,
- having regard to the Directive 2000/78/EC, of 27 November 2000, establishing a general framework for equal treatment in employment and occupation<sup>3</sup>,
- having regard to the Commission Communication of 12 May 2000 entitled ‘Towards a Barrier Free Europe for People with Disabilities’ (COM(2000)0284),
- having regard to the Commission Communication of 25 September 2001 entitled ‘eEurope 2002: Accessibility of Public Web Sites and their Content’ (COM(2001)0529),
- having regard to the World Health Organisation’s International Classification of Functioning, Disability and Health (ICF) of 22 May 2001 (resolution of the World Health Assembly (WHA) 54.21),
- having regard to the Commission Communication of 30 November 2003 entitled ‘Equal opportunities for people with disabilities: A European Action Plan’ (COM(2003)0650),
- having regard to the Commission Communication of 24 January 2003 entitled ‘Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities’ (COM(2003)0016 ),
- having regard to the Commission Communication of 16 March 2005 entitled ‘Green Paper on confronting demographic change: a new solidarity between the generations’ (COM(2005)0094),
- having regard to Commission Communication of 26 November 2007 entitled ‘Situation of disabled people in the European Union: the European Action Plan 2008-2009’ (COM(2007)0738),
- having regard to the Commission proposed Directive of 2 July 2008 on ‘Implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation’ (COM(2008)0140),
- having regard to the Commission Communication of 15 November 2010 entitled ‘European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free

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<sup>1</sup> OJ C 54, 25.2.2000.

<sup>2</sup> OJ C 364, 18.12.2000.

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

Europe' (COM(2010)0636)

- having regard to the proposal for a Council decision (COM(2008)0530) and to the European Parliament's position of 24 April 2009 concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities<sup>1</sup>,
  - having regard to the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities ('the Optional Protocol'), adopted on 13 December 2006<sup>2</sup>;
  - having regard to the proposal for a Council decision (COM(2008)0530) and to the European Parliament's position of 24 April 2009 concerning the conclusion, by the European Community, of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities<sup>3</sup>,
  - having regard to the Commission proposal to the Council of 27 April 2010 on 'Guidelines for the employment policies of the Member States: Part II of the Europe 2020 Integrated Guidelines' (COM(2010)0193) and the European Parliament's position of 8 September 2010 thereto<sup>4</sup>,
  - having regard to Rule 48 of its Rules of Procedure,
  - having regard to the report of the Committee on Employment and Social Affairs and the opinions of the Committee on the Environment, Public Health and Food Safety, the Committee on Women's Rights and Gender Equality and Committee on Petitions (A7-0000/2011),
- A. whereas as full citizens, people with disabilities have equal rights and are entitled to unquestionable dignity, equal treatment, independent living and full participation in society,
- B. whereas over 80 million people or around 16 % of the European Union's total working population are disabled – including people with autism – and whereas the rate of unemployment remains unacceptably high, since, being twice as high as among people without disabilities, it can cause social exclusion,
- C. whereas protection on the ground of disability is limited to employment, occupation and vocational training (2000/78/EC),
- D. whereas policies aimed at disabled people often fall within the competence of Member States and are therefore based on national heritage and social customs as well as on economic development and the economic situation,
- E. whereas there is a strong relationship between (physical) mobility and (social) inclusion, especially with regard to freedom of (means and accessibility of) communication as well

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<sup>1</sup> OJ C 184E, 8.7.2010, p.413.

<sup>2</sup> United Nations, United Nations General Assembly, adopted 13.12.2006.

<sup>3</sup> OJ C 184E, 8.7.2010, p.414.

<sup>4</sup> Texts Adopted, P7\_TA(2010)0309.

as sign languages and freedom of movement in all fields of life aiming at full participation in society,

- F. whereas disabled people have the right to a sufficient level of community-based services favouring independent living, the right to personal assistance, the right to economic and social independence and full participation in society,
- G. whereas accessibility barriers in using services and goods offered to all are significant obstacles to people with disabilities,
- H. whereas disabled persons suffer from discrimination in education and training, including the lack of early recognition and intervention for disabled children and pupils, which results in their employment opportunities being highly restricted,

### ***Objectives***

- 1. Stresses that the financial expenditure and economic investment in people with disabilities is a long-term return investment for the well-being of all and a society resting on sustainable foundations;
- 2. Observes that there is an intrinsic solidarity in European societies which fully acknowledges the need for adaptations for people with mild disabilities; stresses however that people with severe or multiple disabilities need more help in terms of human rights and dignity;
- 3. Stresses the importance of the objectives of the new European Disability Strategy 2010-2020 (EDS) and calls especially for identification of more detailed actions for all levels of governance;
- 4. Stresses the need for a new efficient approach to disability starting from the creation of a more effective mechanism to coordinate and monitor the implementation of the EDS;
- 5. Recalls that a sustainable society where people live longer in better health should also mean that the needs of disabled people can be adapted to the environment in advance by having greater accessibility to goods and services;

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

- 6. Calls for the respect of the Charter of Fundamental Rights of the European Union and the notion of Design for all;
- 7. Calls attention to the fact that many disabled people continue to suffer discrimination with regard to the lack of equal recognition before the law and justice and calls on the Member States to remedy these shortcomings, including electoral rights and public management of natural and man-made disasters;
- 8. Stresses that people with mental disabilities are particularly exposed to the risk of abuse and violence, and calls on the Member States to adopt a developed control mechanism to guarantee the respect of human rights and freedoms of people in residential institutions, with special regard to disabled women;

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

9. Stresses that, at present, consistent data on disability issues and disability-related services in Member States, including the number and quality of residential houses, are lacking or limited;
10. Expresses disappointment with the limited involvement of persons with disabilities in data collection and consultation and considers that 336 replies by civil society on the Commission's consultation, which was held on the Commission's central consultation website in 2009, shows that the information campaign did not reach targeted groups;
11. Calls upon the Commission to gear up the cooperation between Member States, especially with respect to the gathering of comparable data; stresses that measuring disability should not be based only on medical aspects but should also include social and environmental aspects;

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

12. Stresses that demographic changes can also contribute to the situation of people with disabilities, as services and solutions for the elderly are to a great extent indispensable for the people with disabilities;
13. Observes that this should not lead to a competition between the two groups in society but could be seen as a contribution to employment-based growth innovations and social development in the Member States;
14. Calls on the Commission and the Member States to consider and evaluate the application of Article 16 of Directive 1083/2006/EC as well as the efforts on accessibility in light of the contribution that could be made by using the European Structural Funds, especially the European Social Fund;

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

15. Acknowledges that free movement is a fundamental right within the European Union; stresses that it positively influences the quality of life and participation in society of people with disabilities;
16. Observes that a mutually-recognised parking card for people with disabilities and a unified EU charter for travellers' rights are relevant for the inclusion of people with disabilities in society;
17. Stresses that innovative and knowledge-based economies cannot develop without accessible contents and forms for people with disabilities, for example accessible web pages for the blind, and content and services for people using sign languages;
18. Calls on the Commission and the Member States to gear up the accessibility of services via free patents, standardisation mandates and low-priced software, including EU2020 flagships initiatives in order to reach the objectives of EU2020;

### ***Equal opportunities***

19. Reaffirms that people with different disabilities should be able to have inherently-adjusted means enabling them to purchase goods and services;
20. Reaffirms that products, goods and services, including their modified versions, should not be discriminative and therefore cannot have alternative pricings, especially for disabled people; furthermore, the European public procurement legislation should be reviewed;
21. Confirms that SMEs could contribute to the situation of people with disabilities, especially if they have better opportunities at public procurement; therefore SMEs should be provided with relevant and more information on people with disabilities;
22. Stresses that sheltered workshops and integrated workplaces could be equally valuable solutions to employing people with different disabilities in accordance with applications of reasonable accommodation;
23. Calls for closing the existing gap in the current EU legislation on discrimination concerning protection on the grounds of disability, which is currently limited to employment, occupation and vocational training (2000/78/EC);

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

24. States that the present education and training systems in general do not prevent a high drop-out rate of people with disabilities; stresses that this leads to intensified social and employment disadvantages among disabled people, especially during the present economic crisis;
25. Confirms that inclusive education should be the focus, and that this should therefore be emphasised within the strategic framework for European cooperation in education and training ('ET 2020') as well as the Skills and Jobs Flagship of EU2020. In addition, there is a need for new and suitable guidelines and proper usage of IT in schools and at home with regard to personal and tailored assistance;
26. Stresses that social corporate responsibility could also be an important impetus to the situation of people with disabilities; calls upon actors and stakeholders to support and apply good practices in this field;
27. Reaffirms that training of public officials of the European Institutions as well as the Member States in receiving and informing people with disabilities should be promoted more forcefully and that access to public legal documents and procedures is a critical issue;
28. Calls upon the Commission and Member States to intensify the general information provided for parents with disabled children in order to include early recognition and support and open up possible solutions for their needs;

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

29. States that, compared to the average, people with disabilities have more chance of being poor; around 80 million people with disabilities are poor, including one million deaf

people;

30. Confirms that, recalling the impetus of the European Year for Combating Poverty and Social Exclusion, decreasing poverty cannot be achieved without integrating people with disabilities in the labour market and adjusting income policies regarding invalidity and disability pensions systems, bearing in mind that the later also serve as stigmas;

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

31. Calls on the Member States and the Commission to swiftly ratify and implement the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) as well as its Optional Protocols;
32. Calls upon the Member States to (re)consider their disability-related actions and national programmes or strategies within the time span and framework of the EDS in accordance with the EU2020 Strategy;
33. Calls on the Commission to have stronger disability-related references in the planned Green Paper on public procurement reform;
34. Calls upon the Member States to give as much support as possible to suitable measures and tools tailored (apart from the medical aspect) for a higher level of independent life in order to ensure equal opportunities and active life;
35. Calls on the European Commission to elaborate concrete, appropriate and more detailed actions and to set up a monitoring mechanism for all levels of governance in respect of the implementation of the EDS;
36. Calls on the Commission to present its European Accessibility Act as promised in its EDS;
37. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.



## **EXPLANATORY STATEMENT**

### **SUMMARY**

The rapporteur anticipates the following measures being taken with the aim of achieving the sustainable society and based on an approach founded on human rights, in line with Parliament's decision. Firstly, the Member States should not only sign and ratify the UN Convention on the Rights of the Disabled and its additional protocols; they would also be justified in developing national policies and strategies on disabilities in harmony with the European Commission's European Disability Strategy (EDS) and the EU2020 strategy, as well as reviewing the existing national-level documents on this matter. In this context, the move towards individually-tailored care and services aimed at assisting independent living is to be welcomed, since an over-formalised system with little flexibility for assisting individual requirements is of little use in fulfilling the EU2020 objectives. The Commission's published action plan for the period until 2015, linked to the EDS, is a step in the right direction but support should be given to measures with more specific deadlines and programme elements which would improve implementation.

In the rapporteur's view, the European institutions must fulfil two particularly important legislative objectives alongside the review of the Structural Funds: presenting the concept and draft normative text of the European Accessibility Act, set out in the EDS, as soon as possible and in greater detail, and including people with disabilities as a disadvantaged social group in public procurement legislation.

### **THE BASIC SITUATION**

The European Parliament has often devoted its attention to the situation of people with disabilities and has adopted a number of significant decisions on the integration of people with disabilities and the recognition and protection of their rights, calling on the Member States and the Commission to draw up legal standards and legislation at EU level. There are still MEPs actively working in this area, and without them we would not be where we are today.

In addition to being committed to the issue of people with disabilities, the rapporteur is himself affected and has experienced (and still experiences) the disadvantages and failings which have a considerable effect on the quality of life of people with disabilities.

This commitment also represents a new approach: one which attempts not only to include the results achieved so far but also to incorporate new directions and potential perspectives with the aim of achieving a sustainable, competitive and innovative Europe.

The basic premise of the report is that the new generation of human rights and the existing human rights of people with disabilities must be upheld. No one would doubt that people with disabilities have human rights, but their practical application is impeded by hindrances in a person's surroundings – partly physical, partly social – including services and products which cannot be properly accessed. Sometimes certain concepts are highlighted, for example the need to provide community-based services, the right to individual assistance (economic and

social independence) and recognition of the importance of sign language and acceptance of the 'Design for all' principle with the aim of enabling independent living. Particular emphasis is placed on the rights of children with disabilities and their parents (most of whom are not disabled), supported by early development as the first investment in the future.

In line with the EU2020 strategy, one of the most important objectives – if not the most important – is increasing the employment figures for the nearly 80 million people with disabilities living in the EU and removing the barriers which discriminate against them as soon as possible. At the moment only a fraction of people with disabilities in the EU have jobs or can have jobs, and there is a good chance that some of these will find themselves socially excluded. The employment level for people with disabilities and whose work capacity has changed is generally low throughout the EU, with 30-40% of them working; the situation is even worse in the poorer Member States, whilst the employment level needs to rise by approx. 1% per year if the 75% level set out in EU2020 is to be met. Meanwhile, 12 million jobs suitable for low-qualified workers will disappear by 2020.

With reference to the title of the report, the rapporteur considers it important to show that the mobility of people with disabilities – including access to communications as means of mobilising ideas and self-expression – and social inclusion are not two separate things, not simply two mutually-reinforcing factors, but two fully-fledged foundations of a human rights-based approach in the field of improving equal opportunities for people with disabilities. Regarding the second part of the title, the European Parliament simply must react to the objectives set out in the Commission's new 10-year European Disability Strategy, published last November as a replacement for the previous 7-year disability strategy of the EU, and the measures set out in its annex.

## **DETAILED JUSTIFICATION:**

### **Objectives**

In a sustainable, competitive and innovative society, the focus must be on long-term investment for people with disabilities rather than short-term expenditure. A society in which many people work, thereby guaranteeing the stability of the pension system, is sustainable. A society in which barriers can be overcome because they can be transformed, and where people are not governed by the situation into which they are born, thereby making social mobility possible, is more competitive. And a society is innovative when solutions based not primarily on social acceptance, which respond to individual needs and are cost-effective, exist for the social integration of people with disabilities as they achieve an independent lifestyle.

We must differentiate between the various kinds of support according to the needs of people with disabilities, strictly on the basis of incentives as regards different kinds of active and passive care. The aim is firstly for people with different kinds and degrees of disabilities to receive assistance which is more individually-tailored on the basis of results and experience thrown up by the latest scientific and consumer studies, including the new classification system of the WHO, which also assesses environmental factors when determining the functionality of a particular person with a disability, and secondly for there to be as little need as possible for individually-tailored assistance in a truly barrier-free environment, including greater access to services and products.

In terms of implementing the EDS, there is a need for more detailed and, in the case of monitoring, more precise deadlines and mechanisms to be determined. The various consultative bodies which have not yet been involved might take on an important role, thereby facilitating the planning and implementation of closer professional coordination.

### **Civil and human rights**

The European Parliament is not only committed to the EU's Charter of Fundamental Rights; it should also be stressed that 'Design for all' as a concept and a planning methodology should be supported in order to achieve more extensive accessibility.

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

According to the professional organisation consulted by the Commission (the ANED Network), definitions and data pertaining to people with disabilities are not only incomplete, in many cases they cannot even be properly compared. There is a particularly significant lack of information in one of the most crucial areas, with little reliable data on the number, situation and care of people with disabilities who are in institutions. Research must be funded in order to fill in the gaps on the social map.

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

In terms of demographic changes there is rarely mention of the unprecedented challenges which people in the ageing society will face and the fact that the number of dependent people will double, which will have unforeseeable consequences. This outcome is supported by EUROSTAT's prognosis, which states that the number of dependent people will double by 2050, a trend which will affect Germany and Italy in particular, as well the countries of Central and Eastern Europe which have recently joined the EU. The higher retirement age – even if coupled with a healthier lifestyle – will mean significant changes in terms of the environment and access to services. The importance of independent living will increase, as the likely lack of workers in social and health care will drive up the price of such services.

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

The principle of free movement is a fundamental right of the European Union. There will be a need for suitably accessible public and private transport (including more unified harmonisation of parking certificates in the Member States, in line with the EDS objectives) and the development of a unified legal passengers' charter, which the rapporteur has long been promoting, so that safe, appropriate travel by all kinds of transport will be available to everybody.

There is also a need for homepages which are user-friendly for the blind, also electronically-accessible online sign-language services, appropriate standards, software which can be used free of charge and solutions in order to encourage the spread of digital literacy and fulfil the earlier eEurope initiatives.

### **Equal opportunities**

Equality of opportunity is not the same as equal opportunities of the same kind, since these do

not achieve the social goal of integration. Opportunities are equal if the same efforts lead to similar results given appropriate, specified conditions and means, which can be ensured by amending factors which are irrelevant in achieving work-related and final outcomes.

Equality of opportunity is inconceivable without same-price access to products and services available to everybody; production technology enables their cost-effective diversification, so that people with disabilities should not incur extra costs simply because they have different needs.

SMEs have a particularly important role in contributing to increasing social inclusion, not only through the provision of information on employing people with disabilities; they also take part in public procurement procedures, producing products and services made available with the involvement of people with disabilities, thereby boosting their competitiveness.

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

Today's education and training systems are not sufficiently prepared for attending more closely to the needs of people with disabilities, and the number of students with disabilities who drop out of courses remains high. For example, in Denmark, one of the most advanced Member States, 44% of young people with disabilities entered the secondary education system in 2007, whilst the figure for non-disabled people was 75%. Some 5% of people with disabilities have a higher-education qualification – a fraction of the total.

### **The fight against poverty**

The threat of poverty faces the 80 million people with disabilities, including the 1 million deaf people in danger of suffering social exclusion (according to the OECD, around 1 in 4 people with disabilities lives in poverty). The threat of poverty is at the same time a stigma, and disability benefits and entitlements must be guaranteed to those in need.