

EUROPEAN PARLIAMENT

28.11.2001
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WRITTEN DECLARATION

for entry in the register

pursuant to Rule 51 of the Rules of Procedure

by Elizabeth Montfort, Hiltrude Breyer, Alexandre Varaut,
Marie-Thérèse Hermange and Richard Howitt

on non-discrimination towards the state of health of disabled persons

Expiry date: 28.02.2002

The European Parliament,

having regard to Article 13 of the Treaty on European Union, the principle of human dignity and the European Convention of Human Rights,

Considers:

- A. The European Union is committed to combat discrimination according to the social model of disability and not a medical approach to disability;
- B. The French High Court has affirmed the right to compensate persons on the basis that they have been born disabled, although the disability was not a consequence of medical error but of a condition contracted by the mother and undiagnosed during pregnancy;
- C. Doctors may make pessimistic diagnoses in ambiguous cases and hold private insurance policies to protect themselves against litigation, which may lead to an unacceptable denial of social support to disabled persons;
- D. There is evidence of unnecessary death of new-born disabled babies due to lack of medical care;
- E. The mother has a right to assistance and should not be subject to medical, economic, social or legal pressure following the diagnosis of a child as disabled during pregnancy.

Declares:

- 1. It is not possible to bring a case based on the fact of one's own existence;
- 2. All forms of discrimination based on assumptions of lower quality of life of disabled persons are unacceptable; it is necessary to reaffirm the value of human diversity;
- 3. Society is responsible for all citizens: all disabled people have the right, without discrimination, to receive health care, social support and other requirements relating to their disability;
- 4. Private insurance companies cannot substitute for the obligation of society to ensure the rights of all citizens, their right to life and protection against inhuman, degrading treatment.

Instructs its President to forward this declaration to the Commission, the Council and the Governments of the Member States.