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REPORT

on the proposal for a Council decision concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities
(COM(2008)0530 – C6-0116/2009 – 2008/0170(CNS))

Committee on Employment and Social Affairs

Rapporteur: Rumiana Jeleva

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council decision concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities (COM(2008)0530 – C6-0116/2009 – 2008/0170(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the proposal for a Council decision (COM(2008)0530),
 - having regard to the United Nations Convention on the Rights of Persons with Disabilities ("the Convention"), adopted on 13 December 2006¹,
 - having regard to Articles 13(1) and 300(2), first subparagraph, of the EC Treaty,
 - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0116/2009),
 - having regard to Rules 51 and 83(7) of its Rules of Procedure,
 - having regard to the report of the Committee on Employment and Social Affairs and the opinion of the Committee on Women's rights and Gender Equality (A6-0229/2009),
1. Approves conclusion of the Convention;
 2. Instructs its President to forward its position to the Council and the Commission, and the governments and parliaments of the Member States.

¹ United Nations, United Nations General Assembly, adopted 13.12.2006.

EXPLANATORY STATEMENT

History of the proposal

The United Nations Convention on the Rights of Persons with Disabilities was adopted on 13 December 2006 by the United Nations General Assembly. On the basis of negotiating directives adopted by the Council on 24 May 2004, the Commission conducted the negotiation of the Convention on behalf of the European Community.

On 27 February 2007, the Commission presented a proposal for a Council Decision on the signing, on behalf of the European Community, of the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol (COM(2007)77).

The Council Decision dated 27 March 2007 (ST07404/07) authorised the Community to sign the Convention on the Rights of Persons with Disabilities. The Commission signed the Convention on 30 March 2007. On 3 May 2008, the Convention entered into force.

This is the first UN Convention on human rights, which is open for the European Community for accession or formal confirmation and this makes it unique first step. It also passes a special responsibility to all the European institutions and to the European Parliament as one of them, as well as to the Member States. The rapporteur finds necessary to underline, that the competencies that stem from the implementation of the UN Convention and the Optional Protocol, are divided between the Community and its Member States. This situation comes as a result from the efforts to avoid possible gaps due to the fact that in some fields competencies are to the Community, and in others – to the Member States.

The European Parliament has been consistent and supportive to all the Community efforts to develop and implement legislation, related to the equal opportunities and non-discrimination to people with disabilities. At the same time the European Parliament has always been concerned about the inconsistent application of the non-discrimination policies in Member States and has expressed its concerns in reports, approved by its members.

Objective

The objective is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

The principles of the Convention are: Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; Non-discrimination; Full and effective participation and inclusion in society; Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; Equality of opportunity; Accessibility; Equality between men and women; Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to

preserve their identities.

The Convention defines the actions that should be taken to implement the above mentioned principles in the field of:

- General obligations
- Equality and non-discrimination
- Women with disabilities
- Children with disabilities
- Awareness-raising
- Accessibility
- Right to life
- Situations of risk and humanitarian emergencies
- Equal recognition before the law
- Access to justice
- Liberty and security of person
- Freedom from torture or cruel, inhuman or degrading treatment or punishment
- Freedom from exploitation, violence and abuse
- Protecting the integrity of the person
- Liberty of movement and nationality
- Living independently and being included in the community
- Personal mobility
- Freedom of expression and opinion, and access to information
- Respect for privacy
- Respect for home and the family
- Education
- Health
- Habilitation and rehabilitation
- Work and employment
- Adequate standard of living and social protection
- Participation in political and public life
- Participation in cultural life, recreation, leisure and sport

Declaration of the European Community

To the Convention a declaration of the European Community is added with respect to Article 44(1) of the Convention which indicates the competences that are transferred to the Community by the Member States under the Treaty establishing the European Community, in the areas covered by the Convention.

In relation to Article 27.1 of the Convention, the European Community invites Parties to the Convention to take note of Article 3(4) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. This provision gives Member States of the European Community the possibility to provide that the Directive, in so far as it relates to discrimination on the grounds of disability, shall not apply to the armed forces.

Assessment

The adoption of the UN Convention on the rights of Persons with disabilities is important to recognise the rights of all persons with disabilities and to promote respect for their inherent dignity.

Given the importance of work as an important step towards inclusion in society the rapporteur stresses the importance of Articles 24 (education) 27 (work and employment), 28 (social protection). At the same time the rapporteur does not underestimate the other articles, which implementation will guarantee better standard and quality of life for all the (groups of) individuals with disabilities.

The rapporteur endorses the Commission proposal, which approves the UN Convention on behalf of the Community, regarding those matters falling within the Community's competence.

The rapporteur is pleased that all Member States have signed the Convention and calls upon them to swiftly ratify the Convention.

24.2.2009

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY

for the Committee on Employment and Social Affairs

on the proposal for a Council decision concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities (COM(2008)0530 – C6-0116/2009 – 2008/0170(CNS))

Rapporteur: Hiltrud Breyer

AMENDMENTS

The Committee on Women's Rights and Gender Equality calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following amendments in its report:

- having regard to its resolution of 3 September 2003 on the Commission Communication "Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities"¹ and its resolution of 26 April 2007 on the situation of women with disabilities in the European Union²,
 - having regard to the "Declaration and Platform for Action" adopted in Beijing on 15 September 1995 by the Fourth World Conference on Women,
1. Welcomes the United Nations Convention on the Rights of Persons with Disabilities as a legally binding international Human Rights Treaty confirming the rights of women and girls with disability; regrets that so far only four EU Member States have ratified the Convention and the Protocol; calls on the Commission and the Member States to incorporate all the provisions of the Convention into EU and domestic law, to provide for the measures and financial means necessary for their application within specific deadlines and to set quantitative objectives for this;
 2. Calls on the Member States to draw up national action plans in order to meet the objectives of the UN's Convention on the Rights of Persons with Disabilities and Parliament's resolution of 26 April 2007 on the situation of women with disabilities in the EU;

¹ OJ C 76 E, 25.3.2004, p. 231.

² OJ C 74 E 742, 20.3.2008, p. 742.

3. Emphasises that to ensure equal treatment and equal rights for women and girls with disabilities, gender mainstreaming must be applied in decisions about policies and measures for disabled people and their implementation in all areas, especially regarding the right to work, integration in the workplace, education and life-long learning, and anti-discrimination;
4. With reference to the Protocol, underlines the importance of training in and use of new technologies to improve the living conditions of women and girls with disabilities, and encourages research to this end, taking into account the legislation on bioethics in each Member State;
5. Recognises that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment and maltreatment including sexual exploitation, abuse, forced sterilisation, forced marriage, forced institutionalisation and isolation;
6. Calls on the Member States to introduce legislation to protect the rights of disabled women and girls in cases of sexual abuse and psychological and physical violence in public and within their home environments and to support the recovery of disabled women and girls who have been subject to such violence;
7. Takes the view that mothers with disabilities, who can face particular difficulties in their everyday lives, should receive greater attention from the Member States and, in particular, should systematically be offered assistance suited to their needs.

PROCEDURE

Title	United Nations Convention on the Rights of Persons with Disabilities	
References	COM(2008)0530 – 2008/0170(CNS)	
Committee responsible	EMPL	
Opinion by Date announced in plenary	FEMM	
Drafts(wo)man Date appointed	Hiltrud Breyer 22.10.2008	
Discussed in committee	20.1.2009	10.2.2009
Date adopted	10.2.2009	
Result of final vote	+: 21	–: 0
	0: 0	
Members present for the final vote	Edit Bauer, Hiltrud Breyer, Ilda Figueiredo, Věra Flasarová, Lissy Gröner, Urszula Krupa, Pia Elda Locatelli, Astrid Lulling, Doris Pack, Marie Panayotopoulos-Cassiotou, Zita Pleštinská, Anni Podimata, Christa Prets, Teresa Riera Madurell, Eva-Riitta Siitonen, Eva-Britt Svensson, Britta Thomsen, Anna Záborská	
Substitute(s) present for the final vote	Gabriela Crețu, Ana Maria Gomes, Donata Gottardi, Elisabeth Jeggle, Maria Petre	

PROCEDURE

Title	United Nations Convention on the Rights of Persons with Disabilities		
References	COM(2008)0530 – C6-0116/2009 – 2008/0170(CNS)		
Date of consulting Parliament	30.3.2009		
Committee responsible Date announced in plenary	EMPL		
Committee(s) asked for opinion(s) Date announced in plenary	FEMM		
Rapporteur(s) Date appointed	Rumiana Jeleva 6.10.2008		
Discussed in committee	21.1.2009	2.3.2009	30.3.2009
Date adopted	31.3.2009		
Result of final vote	+: -: 0:	33 0 1	
Members present for the final vote	Jan Andersson, Edit Bauer, Iles Braghetto, Philip Bushill-Matthews, Alejandro Cercas, Derek Roland Clark, Jean Louis Cottigny, Jan Cremers, Harald Ettl, Richard Falbr, Joel Hasse Ferreira, Stephen Hughes, Ona Juknevičienė, Jean Lambert, Bernard Lehideux, Elizabeth Lynne, Thomas Mann, Juan Andrés Naranjo Escobar, Csaba Öry, Siiri Oviir, Marie Panayotopoulos-Cassiotou, Elisabeth Schroedter, José Albino Silva Peneda, Jean Spautz, Gabriele Stauner, Ewa Tomaszewska, Anne Van Lancker		
Substitute(s) present for the final vote	Rumiana Jeleva, Jamila Madeira, Adrian Manole, Csaba Sógor, Evangelia Tzampazi		
Substitute(s) under Rule 178(2) present for the final vote	Jean-Pierre Audy, Vasilica Viorica Dăncilă		