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Access to rights for people with disabilities and their full and active participation in society

Reply to Recommendation¹: Recommendation 1854 (2009)
Committee of Ministers

1. The Committee of Ministers has carefully considered [Recommendation 1854 \(2009\)](#) of the Parliamentary Assembly on “Access to rights for people with disabilities and their full and active participation in society”, together with [Resolution 1642 \(2008\)](#). It has brought the two texts to the attention of the governments of member states and transmitted them to the European Co-ordination Forum for the Council of Europe Disability Action Plan 2006-2015 (CAHPAH).

2. The Committee of Ministers shares the determination of the Assembly to work towards ensuring equal rights for people with disabilities and their full and active participation in society. In this respect, and in line with the decisions taken at the Third Summit of Heads of State and Government in 2005, the Committee of Ministers reiterates its commitment to the promotion, implementation and follow-up of the Council of Europe Disability Action Plan 2006-2015.² It considers that the implementation of the action plan will respond to many of the issues raised in the texts in question.

3. Comments by the CAHPAH on the specific measures advocated by the Assembly are appended to this reply. The Committee of Ministers shares the thrust of the views expressed by the CAHPAH.

4. It has taken particular note of the recommendation of the Assembly to prolong the terms of reference of the CAHPAH for the whole duration of the action plan, and the comments of the Forum thereon. It will bear these in mind when called on to renew the said terms of reference.

5. The Committee of Ministers considers that the mid-term review of the Council of Europe Disability Action Plan 2006-2015, which is currently being discussed by CAHPAH, will be an important milestone in the action plan process. It would encourage all member states to support and participate fully in the preparations and implementation of that review, which is planned for 2010.

6. Finally, the Committee of Ministers recalls that the Council of Europe has made significant efforts with a view to promoting equal opportunities, non-discrimination and full participation of persons with disabilities within the Organisation. In particular, in 2005 a comprehensive “Equal opportunities strategy for people with disabilities” was introduced, largely inspired by the Council of Europe’s own work in this field, including various instruments and documents, certain from the Parliamentary Assembly. The Committee of Ministers would invite the Secretary General to continue efforts in this field.

1. adopted at the 1060th meeting of the Ministers’ Deputies (10 June 2009)

2. Council of Europe Action Plan 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 (cf. Recommendation Rec (2006)5 adopted by the Committee of Ministers on 5 April 2006).



Appendix – Opinion on Parliamentary Assembly Recommendation 1854 (2009) adopted by the European Co-ordination Forum for the Council of Europe Disability Action Plan 2006-2015 (CAHPAH) on 13 April 2009

1. [Recommendation 1854 \(2009\)](#) “Access to rights for people with disabilities and their full and active participation in society” was adopted by the Parliamentary Assembly of the Council of Europe on 26 January 2009. It was circulated by the Secretariat to the European Co-ordination Forum for the Council of Europe Disability Action Plan 2006-2015 (CAHPAH) on 6 February 2009. The Recommendation was examined by the Ministers’ Deputies at the 1048th meeting (11-12 February 2009), who decided, on that occasion, to communicate it to the European Co-ordination Forum for the Council of Europe Disability Action Plan 2006-2015 (CAHPAH) for information and possible comments. Furthermore, it invited their Rapporteur Group on Social and Health Questions (GR-SOC) to prepare, in the light of the above, a draft reply for adoption at one of their forthcoming meetings. (Decision CM/Del/Dec(2009)1048, item 3.1.). That Decision was circulated by the Secretariat to CAHPAH on 18 February 2009.
2. Having examined Parliamentary Assembly [Recommendation 1854 \(2009\)](#) and [Resolution 1642 \(2009\)](#) “Access to rights for people with disabilities and their full and active participation in society”, the European Co-ordination Forum for the Council of Europe Disability Action Plan 2006-2015 (CAHPAH) wishes to express its great satisfaction with the commitment and determination of the Parliamentary Assembly of the Council of Europe to work towards the full social inclusion and active participation of people with disabilities in society.
3. CAHPAH would like to emphasise that the general philosophy on which the Parliamentary Assembly Recommendation and Resolution are based is very much in keeping with the Forum’s own approach towards social cohesion, namely to promote equal opportunities, independent living, full citizenship and active participation of people with disabilities in the life of the community. It is also very much in line with and complementary to the Council of Europe Disability Action Plan 2006-2015 (Recommendation Rec 2006)5) of the Committee of Ministers to member states).
4. With reference to the Parliamentary Assembly recommendation on promoting the exchange of best practices between member states on access to rights for people with disabilities and their full and active participation in society and on the implementation of the Council of Europe Disability Action Plan 2006-2015 ([Recommendation 1854 \(2009\)](#), paragraph 1.2.), CAHPAH wishes to point out that the exchange of information, experience and best practices constitutes one of the core issues of CAHPAH’s terms of reference with a view to improving the transfer of knowledge amongst and between member states and other stakeholders.
5. CAHPAH welcomes the Parliamentary Assembly’s call to all member states for full participation in its activities ([Recommendation 1854 \(2009\)](#), paragraph 1.3.) and wishes to stress that CAHPAH is the first and only Council of Europe body to exclusively discuss disability policy and legislation at the level of all member states. The Forum provides a pan-European platform of multi-disciplinary disability experts from Council of Europe member and observer states, other Council of Europe bodies and committees as well as international organisations, both governmental and non-governmental, including organisations of and for people with disabilities.
6. Grateful for the Parliamentary Assembly’s recommendation to prolong CAHPAH’s terms of reference for the whole duration of the Council of Europe Disability Action Plan 2006-2015 ([Recommendation 1854 \(2009\)](#), paragraph 1.3.), the Forum wishes to show its appreciation for the Parliamentary Assembly for its support and to state that such prolongation could indeed help to facilitate better and multi-annual, medium-term planning, programming and budgeting of the Forum’s activities, which are closely linked to the promotion, implementation and follow-up of the Disability Action Plan.
7. As to the mid-term review of the Council of Europe Disability Action Plan 2006-2015 ([Recommendation 1854 \(2009\)](#), paragraph 1.4.), CAHPAH wishes to state that discussions and negotiations are currently under way amongst its delegations on the best possible way to carry out a mid-term review in 2010, including its form and resourcing.
8. CAHPAH takes the view that [Recommendation 1854 \(2009\)](#) and [Resolution 1642 \(2009\)](#) contain several practical proposals for improving the situation of people with disabilities in Europe and for implementing the Council of Europe Disability Action Plan 2006-2015, notably in the fields of education, employment, health care, community living, accessibility of the built environment and transport, legal protection, participation in cultural life and sport, and awareness raising. They also contain recommendations for strengthening CAHPAH’s work within the Council of Europe and beyond. Consequently, CAHPAH generally supports the proposed measures.

9. CAHPAH very much welcomes the Parliamentary Assembly's consideration "that the Council of Europe Disability Action Plan must serve as a reference tool for any new disability-related policies and activities that are adopted and as a practical tool for Europe to promote the UN Convention on the Rights of Persons with Disabilities" ([Resolution 1642 \(2009\)](#), paragraph 4).

10. In particular, CAHPAH wishes to stress that Universal Design and the mainstreaming of disability issues into all policy areas, sometimes also referred to as "sector responsibility", are core elements in the strategy to implement the Council of Europe Disability Action Plan 2006-2015. (Recommendation Rec(2006)5, chapters 5.1.1. and 5.1.3.). CAHPAH is currently reviewing Resolution ResAP(2007)3 "Achieving full participation through Universal Design", elaborated by the member states of the Partial Agreement in the Social and Public Health Field, with a view to approving the text at the level of all member states.

11. CAHPAH also welcomes the numerous explicit references in the Parliamentary Assembly texts to ageing and disability and wishes to recall that the Council of Europe Disability Action Plan addresses those issues as one of its so-called "cross-cutting aspects" i.e. issues that permeate the 15 action lines of the Plan in a horizontal way. Furthermore, the Committee of experts on ageing of people with disabilities and older people with disabilities (CAHPAH-VPH) has produced a draft report "Enhancing rights and inclusion of ageing people with disabilities and older people with disabilities: a European perspective" and draft recommendations on "Ageing and disability in the 21st century: sustainable frameworks to enable greater quality of life in an inclusive society", which CAHPAH will be reviewing during 2009.

12. CAHPAH wishes to stress that particular attention should also be paid to the gender perspective in all disability policy and legislation by taking into account the specific situation and needs of women and girls with disabilities in order to ensure non-discrimination, equal opportunities and protection of their dignity. That approach is also envisaged by the cross-cutting aspects of the Council of Europe Disability Action Plan.

13. The issue of community living for people with disabilities ([Resolution 1642 \(2009\)](#), paragraph 8) is dealt with in the Council of Europe Disability Action Plan 2006-2015 in Action Line 8. "Recommendations and guidelines to promote community living for children with disabilities and deinstitutionalisation as well as to help families to take care of their disabled child at home" were adopted in 2007 by the Committee of the Rehabilitation and Integration of People with disabilities (Partial Agreement) (CD-P-RR), which CAHPAH will examine at its 3rd meeting, Strasbourg, September 2009.

14. The issue of education of people with disabilities ([Resolution 1642 \(2009\)](#), paragraph 10) is dealt with in Action Line 4 of the Council of Europe Disability Action Plan 2006-2015. CAHPAH is currently reviewing Resolution ResAP(2007)4 on the education and social inclusion of children and young people with autism spectrum disorders, elaborated by the member states of the Partial Agreement in the Social and Public Health Field, with a view to approving the text at the level of all member states.

15. CAHPAH welcomes the Parliamentary Assembly's initiative to improve the vocational training and increase the employment level of people with disabilities ([Resolution 1642 \(2009\)](#), paragraph 9). However, CAHPAH is rather sceptical towards the usefulness of creating, reserving or earmarking certain posts especially for people with disabilities ([Resolution 1642 \(2009\)](#), paragraph 9.7.). Its philosophy has rather been the opposite: all jobs should in principle be open to people with disabilities, no 'special' jobs should be particularly reserved for them, and people with disabilities in earmarked posts should be enabled and encouraged to leave them and take up jobs in the ordinary work environment. For people with disabilities, one main obstacle to employment is the vocational assessment. As long as it still concentrates on deficiencies and weak points it will lead to exclusion. But since performing a task of a particular job may require only a limited number of abilities, there is no justification for putting at a disadvantage people whose disabilities would have no effect on their performance in that job. Resolution AP (95) 3 on a charter on the vocational assessment of people with disabilities (1995), calls for a shift in focus: from disability to ability. The person's vocational abilities, and not disabilities, should be assessed and related to specific job requirements. Comparison and matching of vocational aptitudes and specific job requirements should facilitate employment.

16. In conclusion, and without prejudice to the foregoing comments, CAHPAH generally welcomes Parliamentary Assembly [Recommendation 1854 \(2009\)](#) and [Resolution 1642 \(2009\)](#) as further substantial steps in securing human rights and dignity, full citizenship and active participation in the life of the community for all people with disabilities in Europe in line with the Council of Europe Disability Action Plan 2006-2015.