



## Resolution 1642 (2009)<sup>1</sup>

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

Parliamentary Assembly

1. More than one person in every 10 suffers from some form of disability, representing a total of 650 million people worldwide, with an even greater ratio of up to 200 million in Europe alone. There is a correlation between age and disability: as the population ages and health care improves, the number of people with disabilities in Europe grows, and it will continue to grow.
2. The Parliamentary Assembly recalls that the Council of Europe's European Convention on Human Rights (ETS No. 5) protects all people, including those with disabilities, and that Article 15 of the revised European Social Charter (ETS No. 163) explicitly guarantees people with disabilities the effective exercise of the right to independence, social integration and participation in the life of the community. A more recent and eagerly awaited text, the United Nations Convention on the Rights of Persons with Disabilities, came into force with effect from 3 May 2008. The Assembly welcomes this text, which gives a detailed description of the rights of people, including children, with disabilities, and will certainly contribute to the change of perception needed to improve the situation of people with physical or mental disabilities.
3. The Assembly notes that, in practice, the access of people with physical or mental disabilities to their rights on an equal basis with those of people without disabilities frequently remains wishful thinking and proves inadequate. It therefore welcomes the preparation by the Council of Europe of the Disability Action Plan to promote the rights and participation of people with disabilities in society for 2006-2015 (Recommendation Rec(2006)5 of the Committee of Ministers), which endeavours to find practical responses to the most serious and most common problems encountered by people with disabilities, to foster equality of opportunities, and which advocates a number of measures to improve the situation of people with disabilities in all aspects of everyday life.
4. The Assembly considers that the Council of Europe Disability Action Plan must serve as the reference document for any new disability-related policies and activities that are adopted and as a practical policy tool for Europe to promote the United Nations Convention on the Rights of Persons with Disabilities. It invites all member states to participate in, to promote and implement the action plan at national and local levels and to begin the necessary reforms which will finally rectify the inequalities that persist, notwithstanding numerous declarations of intent.
5. Moreover, the Assembly calls on member states, through their national parliaments, to regularly report to the Council of Europe on the progress of the implementation of the action plan. It also invites the competent services of the Council of Europe to carry out a mid-term review of the Disability Action Plan 2006-2015 by organising a European review conference in 2010.

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1. *Assembly debate* on 26 January 2009 (2nd Sitting) (see [Doc. 11694](#), report of the Social, Health and Family Affairs Committee, rapporteur: Mr Marquet). *Text adopted by the Assembly* on 26 January 2009 (2nd Sitting). See also [Recommendation 1854 \(2009\)](#).



6. The Assembly invites member states to include disability issues in every area of policy making, to ensure that disability-related programmes are sufficiently resourced and that people with physical or mental disabilities are able to enjoy full citizenship on an equal basis with others. It is necessary to couple the fight against discrimination and violence with the adoption of positive measures. In order to speed up integration into society, the Assembly considers that certain key areas of action need to be given priority.
7. Firstly, the Assembly invites member states to guarantee that people with disabilities retain and exercise legal capacity on an equal basis with other members of society by:
  - 7.1. ensuring that their right to make decisions is not limited or substituted by others, that measures concerning them are individually tailored to their needs and that they may be supported in their decision making by a support person;
  - 7.2. taking the necessary measures to ensure that, in accordance with the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol, people placed under guardianship are not deprived of their fundamental rights (not least the rights to own property, to work, to a family life, to marry, to vote, to form and join associations, to bring legal proceedings and to draw up a will), and, where they need external assistance so as to exercise those rights, that they are afforded appropriate support, without their wishes or intentions being superseded;
  - 7.3. providing sufficient safeguards against abuse of people under guardianship notably through establishing mechanisms for periodic review of guardians' actions and ensuring that legislation mandates compulsory, regular and meaningful reviews of guardianship, in which the person concerned is fully involved and has adequate legal representation.
8. The Assembly considers that in order to enable the active participation of people with disabilities in society, it is imperative that the right to live in the community be upheld. It invites member states to:
  - 8.1. commit themselves to the process of deinstitutionalisation by reorganising services and reallocating resources from specialised institutions to community-based services;
  - 8.2. provide adequate and sustained assistance to families, above all through human and material (particularly financial) means, to enable them to support their disabled family member at home;
  - 8.3. develop effective, independent inspectorates to monitor existing institutions.
9. With respect to employment, the Assembly invites member states to ensure to the maximum extent possible that people with disabilities have access to sustainable employment by:
  - 9.1. offering incentives to work where they are able to do so; following an objective and individual assessment of the employability of people with disabilities, they should be given support so that they can find appropriate employment or return to their previous job;
  - 9.2. taking specific measures of an appropriate nature to facilitate the occupational integration of young adults with disabilities leaving the institutions where they have spent their whole lives;
  - 9.3. protecting people with disabilities against discrimination at every stage of the filling of a vacancy – from candidate selection to recruitment – and throughout their career;
  - 9.4. offering genuine incentives to encourage employers to take on people with disabilities, *inter alia* through the use of recruitment procedures that ensure that job offers are effectively made to people with disabilities, and making reasonable adjustments to the workplace and/or or working conditions;
  - 9.5. taking into account in health and safety legislation and regulations the specific needs of people with disabilities and by eliminating any provisions that discriminate against them;
  - 9.6. implementing support measures such as sheltered or supported employment for people in need of personalised assistance on the labour market; provision must also be made for people with disabilities to be able to move from sheltered or supported employment to ordinary employment;
  - 9.7. offering incentives to employers to create new jobs, especially for disabled people.
10. In the sphere of education, another priority field, the Assembly invites member states to:
  - 10.1. grant equal access to education at every level to all people with disabilities, and particularly to children, whatever the nature and severity of their disabilities, giving particular attention to the educational needs of children living in specialised institutions;

10.2. support and promote vocational education and training throughout the lives of people with disabilities; it is important that a transition should be possible between each stage of their education and between education and employment;

10.3. ensure that all syllabuses and teaching materials within the general education system are accessible to people with disabilities;

10.4. guarantee access to non-formal education, so that people with disabilities may develop skills which they could not acquire through ordinary education.

11. The Assembly invites member states to ensure that the rights of people with disabilities are respected at every level of the education system, by taking any appropriate steps, including raising awareness of disability among very young children as part of the syllabuses taught at schools and institutions offering general education.

12. The Assembly considers that the creation of a society for all implies equal access for all citizens to the environment in which they live. It invites member states to make this environment genuinely accessible to people with disabilities and to remove any obstacles that prevent them from playing a full part in everyday life and from enjoying their fundamental rights by:

12.1. including universal design principles in the training of all who will work in the occupations relating to built environments, such as architects, engineers and town planners, so as to simplify the lives of all by making the environment more accessible, usable and understandable;

12.2. removing any obstacles in public buildings and indoor and outdoor public areas and by ensuring that no new obstacles are created. Every newly built structure must conform to universal design principles: pavements, for instance, must not be laid without dropped kerbs;

12.3. giving particular attention to the safety of people with disabilities when evacuation and emergency procedures are planned and carried out;

12.4. allowing the animals which assist or guide people with disabilities free access to all public buildings and areas.

13. The Assembly invites member states to contribute to equal access to social facilities, cultural sites and sports venues and to raise awareness of the opportunities presented by physical training, sports, a healthy lifestyle and psychological methods of rehabilitation as a way to achieve inclusiveness and social reintegration. The Assembly calls on member states to promote scientific research in these fields and to put special emphasis on the development and promotion of the Paralympic movement.

14. The Assembly considers that the accessibility of transport remains a priority area, notwithstanding genuine progress made in the implementation of accessible transport policies, especially relating to public transport. It invites member states to:

14.1. include disability awareness training in the standard training courses for public transport staff;

14.2. oblige public-service transport providers to supply services accessible to all users;

14.3. authorise and provide space in all public transport for the animals which assist or guide people with disabilities (guide dogs for the blind, for instance);

14.4. provide adequate numbers of suitable parking spaces for the vehicles used by people with disabilities whose mobility is reduced, and to make sure that these are used only by people who are entitled to them.

15. The Assembly calls on member states to ensure equal access to health care for people with disabilities and to encourage the consultation of people with disabilities or their representatives in the taking of decisions relating to their health plan. Care should be taken to ensure that:

15.1. all the relevant information is supplied to them in a comprehensible format;

15.2. priority is given to the adoption of effective measures to detect, diagnose and treat disability at an early stage; appropriate instructions should be prepared on early detection, as should intervention measures;

15.3. attention is paid to the ageing of the population and the health consequences thereof, especially for people with disabilities;

15.4. health-care professionals in all member states accept the human and social rights model for people with disabilities and do not focus solely on the medical aspect of disability;

15.5. a sufficient number of professionals, especially health-care professionals and social workers are trained, and that the prevention of abuse is promoted among employees of health-care establishments;

15.6. with the participation of those concerned, full, accessible and appropriate rehabilitation services are available, so as to enable people with disabilities to achieve maximum independence and to make the greatest possible use of their physical, mental, occupational and social capacities.

16. The Assembly calls on member states to ensure full access to the media for disabled people, including printed and electronic media and the Internet.

17. The growing numbers of elderly people in Europe mean a greater likelihood of disability, reduced independence, increased use of various services and reduced quality of life. There are nevertheless many disability risk factors among elderly people which can be altered, several of these linked to socio-economic criteria and living conditions, but the lack of information about people with disabilities acts as an impediment to the devising of relevant policies. The Assembly therefore considers that there is an urgent need for research into specific health care for elderly people with disabilities and for related economic studies, and for:

17.1. research to be carried out into the environment-related risk factors, which have to date not been the subject of particular interest;

17.2. in-depth research to be carried out into ways of rehabilitating people with disabilities and reintegrating them into the community;

17.3. encouragement to be given to applied scientific research, particularly relating to new technologies, apparatus and products which might foster an independent life for people with disabilities and greater participation by them in community life.

18. Whereas the attitude of society, prejudice and fixed mindsets remain the main obstacle to the access to rights for people with disabilities and their full and active participation in society, the Assembly invites member states to:

18.1. step up their campaigns drawing public attention to, and providing information about, disability-related issues;

18.2. take legal action against and penalise discriminatory practices and unacceptable attitudes towards people with disabilities, especially abuse, committed either by isolated individuals or in health-care establishments;

18.3. disseminate examples of good practices in all spheres of everyday life, so as to make clearer – to all, and particularly to young people – the scope of this question in civil society, the working environment and the world of education;

18.4. ensure the full and active participation of people with disabilities in all of these processes.

19. The Assembly invites the member states concerned to show their political will to speed up the access to rights for people with disabilities by ratifying and by implementing:

19.1. the revised European Social Charter (accepting, *inter alia*, Article 15 on persons with disabilities) and its Additional Protocol providing for a system of collective complaints, which allows national and/or international non-governmental organisations to lodge complaints with the European Committee of Social Rights about violations by states of social rights;

19.2. the recent United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, which also makes it possible for individuals and groups of individuals to assert their rights.