

# COUNCIL OF EUROPE

## COMMITTEE OF MINISTERS

### **Recommendation Rec(2006)5 of the Committee of Ministers to member states on the 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**

*(Adopted by the Committee of Ministers on 5 April 2006  
at the 961st meeting of the Ministers' Deputies)*

The Committee of Ministers,

Recalling Resolution (59) 23 of 16 November 1959, on the extension of the activities of the Council of Europe in the social and cultural fields;

Having regard to Resolution (96) 35 of 2 October 1996 revising the Partial Agreement in the Social and Public Health Field, whereby it revised the structures of the Partial Agreement, and resolved to continue, on the basis of revised rules replacing those set out in Resolution (59) 23, the activities hitherto carried out and developed by virtue of that Resolution, aimed at, *inter alia*, integrating people with disabilities into the community with a view to defining and contributing to the implementation at European level of a model coherent policy for people with disabilities, based on the principles of full citizenship and independent living, implying the elimination of barriers to integration, whatever their nature, whether psychological, educational, family-related, cultural, social, professional, financial or architectural;

Considering that the aim of the Council of Europe is to achieve greater unity between its members and that this aim may be pursued, *inter alia*, by the adoption of common rules in the disability policy field for the purpose of promoting the protection of political, civil, social, cultural and educational rights;

Bearing in mind the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5);

Bearing in mind the principles embodied in the revised European Social Charter (ETS No. 163), namely the right of persons with disabilities to independence, social integration and participation in the life of the community;

Having regard to the United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, 1993;

Having regard to the International Classification of Functioning, Disability and Health (ICF) of the World Health Organisation (WHO), 2001;

Having regard to the Convention concerning Vocational Rehabilitation and Employment (Disabled Persons) of the International Labour Organisation (ILO) (No. C159), 1983, and the corresponding ILO Recommendation on Vocational Rehabilitation and Employment (Disabled Persons) (No. R168), 1983;

Having regard to Recommendation No. R (92) 6 of the Committee of Ministers to member states on a coherent policy for people with disabilities;

Having regard to the Ministerial Declaration on People with Disabilities "Progressing towards full participation as citizens", adopted at the Second European Conference of Ministers responsible for integration policies for people with disabilities held in Malaga (Spain) on 7 and 8 May 2003;

Having regard to the Action Plan of the Third Summit of Heads of State and Government of the Council of Europe (CM(2005)80 final), adopted in Warsaw on 17 May 2005, which lays down the role and main responsibilities of the Council of Europe in the coming years;

Having regard to Recommendation 1592 (2003) by the Council of Europe Parliamentary Assembly “Towards full social inclusion of people with disabilities”;

Reaffirming the universality, indivisibility and interdependence of all human rights and fundamental freedoms and the need for people with disabilities to be guaranteed their full enjoyment without any discrimination;

Considering that the estimated proportion of persons with disabilities in the total population in Europe is 10-15%, that the main causes of disability are disease, accidents and disabling conditions among the elderly, and that the number of disabled people is expected to grow steadily due to increasing life expectancy, *inter alia*;

Considering that failure to promote the rights of citizens with disabilities and to ensure equality of opportunities is a violation of human dignity;

Considering that ensuring equal opportunities for members of all groups in society contributes to securing democracy and social cohesion;

Convinced that the human rights based approach to ensuring the integration and full participation of people with disabilities in society should be incorporated in all relevant policy areas at international, national, regional and local level;

Emphasising the need to mainstream disability issues in all sectors through coherent policies and co-ordinated action;

Acknowledging the work carried out by the Council of Europe Committee on the Rehabilitation and Integration of People with disabilities (CD-P-RR) in the drafting of this Disability Action Plan;

Emphasising the importance of establishing partnerships with non-governmental organisations of people with disabilities in the implementation and follow-up of the Disability Action Plan,

Recommends that the governments of the member states having due regard to their specific national, regional or local structures and respective responsibilities:

- a. integrate as appropriate in their policy, legislation and practice the principles and implement the actions set out in the 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, as it appears in the appendix to this recommendation;
- b. promote the implementation and application of the Council of Europe Disability Action Plan 2006-2015 in areas which are not the direct responsibility of public authorities, but where they nonetheless have a certain power or may play a certain role;
- c. assure to this end the widest possible dissemination of this recommendation amongst all parties concerned, for example through awareness-raising campaigns and co-operation with the private sector and civil society, involving, in particular, non-governmental organisations of people with disabilities.

**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**

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## **1. Executive Summary**

### **1.1. Mission**

#### *1.1.1. Malaga Ministerial Declaration on People with disabilities*

In 1992, following the first European Conference of Ministers responsible for policies on people with disabilities, Recommendation No. R (92) 6 on a coherent policy for people with disabilities was adopted by the Committee of Ministers.

This pioneering recommendation influenced disability policies for more than ten years and prompted new inclusive policy plans that have positively benefited people with disabilities both nationally and internationally.

However, major changes have taken place in society and new strategies are needed to further progress a social and human rights based approach to disability issues in the next decade.

In May 2003 at the Second European Ministerial Conference, which took place in Malaga, Spain, the Ministers responsible for policies on people with disabilities adopted the Malaga Ministerial Declaration on People with disabilities "Progressing towards full participation as citizens".

An appropriate strategy was set out to elaborate a Council of Europe Disability Action Plan aimed at promoting human rights and improving of the quality of life of people with disabilities in Europe.

#### *1.1.2. Mission statement*

The Council of Europe Disability Action Plan 2006-2015 seeks to translate the aims of the Council of Europe with regard to human rights, non-discrimination, equal opportunities, full citizenship and participation of people with disabilities into a European policy framework on disability for the next decade.

This Action Plan aims to provide a comprehensive framework that is both flexible and adaptable in order to meet country-specific conditions. It is intended to serve as a roadmap for policy makers, to enable them to design, adjust, refocus and implement appropriate plans, programmes and innovative strategies.

The Council of Europe will seek to implement the Disability Action Plan by providing assistance to all member states in the form of recommendations, advice and expert information.

### **1.2. Fundamental principles and strategic goals**

#### *1.2.1. Fundamental principles*

Member states will continue to work within anti-discriminatory and human rights frameworks to enhance independence, freedom of choice and the quality of life of people with disabilities and to raise awareness of disability as a part of human diversity.

Due account is taken of relevant existing European and international instruments, treaties and plans, particularly the developments in relation to the draft United Nations international convention on the rights of persons with disabilities.

The Council of Europe's New Strategy for Social Cohesion (2004) points out that there has to be particular commitment to ensure access to human rights for people who are at risk of becoming vulnerable, such as children and young people, migrants and ethnic minorities, people with disabilities and the elderly.

The Disability Action Plan acknowledges the basic principle that society has a duty towards all its citizens to ensure that the effects of disability are minimised through actively supporting healthy lifestyles, safer environments, adequate health care, rehabilitation and supportive communities.

### 1.2.2. *Strategic goals*

The key objective of the Disability Action Plan is to serve as a practical tool to develop and implement viable strategies to bring about full participation of people with disabilities in society and ultimately mainstreaming disability throughout all the policy areas of the member states. The Action Plan aims at meeting country-specific conditions as well as transition processes that are taking place in various member states.

It comprises recommendations to take specific actions at national level and also illuminates aspects of vulnerable groups of people with disabilities who face specific barriers and problems that require a cross-cutting response.

It encourages member states to respond to the needs of people with disabilities by providing quality and innovative services and consolidating measures already in place.

The Action Plan seeks to provide a useful source of inspiration for private enterprise, non-governmental organisations and other international organisations. It considers non-governmental organisations of people with disabilities to be competent and expert partners in policy development, who should be consulted as stakeholders in decision-making processes which affect their lives. The implementation of the Action Plan will be monitored and regularly evaluated to identify progress at national level as well as to share good practices.

### 1.3. **Key action lines**

The Council of Europe Disability Action Plan has a broad scope, encompassing all key areas of the life of people with disabilities. These key areas are duly reflected in 15 action lines which set out key objectives and specific actions to be implemented by member states.

The action lines are the core of the Action Plan. They cover the following areas:

- No. 1: Participation in political and public life;
- No. 2: Participation in cultural life;
- No. 3: Information and communication;
- No. 4: Education;
- No. 5: Employment, vocational guidance and training;
- No. 6: The built environment;
- No. 7: Transport;
- No. 8: Community living;
- No. 9: Health care;
- No. 10: Rehabilitation;
- No. 11: Social protection;
- No. 12: Legal protection;
- No. 13: Protection against violence and abuse;
- No. 14: Research and development; and
- No. 15: Awareness raising.

Participation in political and public life (No. 1) and democratic processes is essential for the development and maintenance of democratic societies. People with disabilities should have the opportunity to influence the destiny of their communities. It is therefore important that people with disabilities be able to exercise their right to vote and participate in political and public activities.

To be fully integrated into society, people with disabilities should also be able to participate in the cultural life (No. 2) of that society. Appropriate measures should be taken to ensure that people with disabilities can participate in cultural activities and associations and can develop and utilise their creative and intellectual potential for their own benefit and that of their communities.

In this regard, access to information and communication (No. 3) is a prerequisite. It is important that public and private providers of information and communication take the needs of people with disabilities into account.

Appropriate measures should be taken to ensure that people with disabilities can receive and impart information on an equal footing with other members of society.

Equal access to education (No. 4) is a fundamental requirement for ensuring social inclusion as well as independence for people with disabilities. Education should cover all life stages from pre-school education to professional education, as well as life-long learning. Mainstream education and specialised programmes, as appropriate, should be encouraged to work together to support people with disabilities in their local communities. A mainstream approach can also contribute to non-disabled people's awareness and understanding of human diversity.

Employment, vocational guidance and training (No. 5) are key factors for the social inclusion and economic independence of people with disabilities. Legislation, measures and services are needed to ensure equality of opportunity for disabled people in obtaining and retaining a job. Equal access to employment should be enhanced by combining anti-discrimination and positive action measures and by mainstreaming issues related to the employment of people with disabilities in employment policies.

An accessible, barrier-free built environment (No. 6) encourages equal opportunities, independent living, active involvement in the community and access to employment. By applying the principles of Universal Design an environment that is accessible to people with disabilities can be established and the creation of new barriers can be avoided.

The development and implementation of accessible transport (No. 7) at all levels should result in a substantial improvement of the accessibility of passenger transport services for all people with disabilities. This is a prerequisite to achieving independence, full participation in the labour market and active participation in the community.

People with disabilities should be able to live as independently as possible, including being able to choose where and how to live. Opportunities for independent living and social inclusion are first and foremost created by living in the community. Enhancing community living (No. 8) requires strategic policies which support the move from institutional care to community-based settings, ranging from independent living arrangements to sheltered, supportive living in small-scale settings. It also implies a co-ordinated approach in the provision of user-driven, community-based services and person-centred support structures.

Disabled people, like non-disabled people, require adequate health care (No. 9) and should have equal access to good quality health care services that are respectful of clients' rights. In this regard it is important that health care professionals (be trained to) focus more on the social model of disability.

To prevent the deterioration of disability, alleviate its consequences and enhance independence of people with disabilities, comprehensive rehabilitation (No. 10) programmes that include an array of accessible, and, where appropriate, community-based services, should be implemented.

Services provided by the social protection (No. 11) system – including social security, social assistance and support – can contribute to the quality of life of their recipients. People with disabilities should be able to adequately benefit from social protection systems and have equal access to these services. Policies encouraging a shift from benefit dependency towards employment and independence should be promoted, where possible.

People with disabilities should have access to the legal system on the same basis as other citizens. Legal protection (No. 12) entails taking appropriate measures to eliminate discrimination against people with disabilities. An adequate legal and administrative framework is necessary to prevent and combat discrimination.

Society also has a duty to prevent and protect people against acts of abuse and violence (No. 13). Policies should be aimed at safeguarding people with disabilities against all forms of abuse and violence and ensure appropriate support for victims of abuse and violence.

Research and development (No. 14), statistical data collection and analysis are essential to design and implement well-informed and evidence-based policies. Reliable information is helpful in order to identify

emerging issues and helps to design solutions. It is also important to identify best practices and to monitor change in society.

Awareness raising (No. 15) is a key issue that underpins the whole Action Plan. Discriminatory behaviour and stigmatisation should be opposed and replaced by accessible and objective information on the consequences of impairments and disabilities in order to promote a better understanding of the needs and rights of people with disabilities in society. Action should be aimed at changing negative attitudes towards people with disabilities and should promote mainstreaming of disability issues in all government publications as well as publications of the media.

#### **1.4. Cross-cutting aspects**

Within the European disabled population there are people with disabilities who face specific barriers or experience two-fold discrimination.

Women and girls with disabilities, people with disabilities in need of a high level of support, children and young people with disabilities, ageing people with disabilities and people with disabilities from minorities and migrant communities have a higher risk of exclusion and generally have lower levels of participation in society than other disabled people.

Women and girls with disabilities often face multiple obstacles to participation in society due to discrimination on grounds of both gender and disability. The specific situation of women and girls needs to be taken into account in the development of both disability and gender mainstream policies and programmes at all levels.

One of the more vulnerable groups of people with disabilities is the group of people who, due to the severity and complexity of their disability, are in need of a high level of support. Their quality of life is very much dependent on the availability of appropriate quality services and specific, often intensive support. Planning and co-ordination across relevant authorities, government agencies and service providers are needed to adequately address the specific problems of this group of people.

Children with disabilities should enjoy the same rights – as laid down in the United Nations Convention on the Rights of the Child – and opportunities as other children. Young people with disabilities are also a vulnerable group in our society. They still face considerable barriers in accessing all aspects of life. The specific problems faced by children and young people with disabilities must be studied in greater depth in order to design and implement well informed policies across a wide spectrum of policy areas.

The progressive ageing of people with disabilities, particularly of those requiring more intensive support, presents new challenges for societies across Europe. Innovative approaches are required to meet these challenges across a wide range of policy and service areas.

People with disabilities from minorities and migrant communities may experience multiple disadvantages because of discrimination or lack of familiarity with public services. A comprehensive approach, taking account of cultural background, language and particular needs, is required to address specific problems these groups may face.

The above-mentioned specific groups of people with disabilities require a cross-cutting response to ensure their inclusion in society. Policy makers need to acknowledge the barriers and challenges faced by each of these groups and ensure that policies include actions that cut across many key action lines to remove those barriers and ensure that individuals can reach their full potential. A twin-track approach, departing from this Action Plan and the Council of Europe's New Strategy for Social Cohesion (2004), is needed to promote the development of effective cross-cutting and integrated policies.

#### **1.5. Implementation and follow-up**

In line with the fundamental principles underpinning the action lines and the cross-cutting aspects, Universal Design principles, quality, training and mainstreaming are vital elements of the implementation strategy of the Disability Action Plan. The application of Universal Design principles is of paramount importance for improving

the accessibility of the environment and the usability of products. It is also essential that all policies, actions and services be underpinned by high standards in terms of quality. A mainstream approach in policy development and service delivery plays an important role in promoting a more inclusive society.

Member states have primary responsibility for implementing disability policies at national level and in particular for implementing the specific actions referring to them under each action line. Member states should start by an evaluation of existing policies and underlying basic principles against the blueprint of the Disability Action Plan, to identify in which areas progress has yet to be made and which specific actions have to be carried out.

Based on that evaluation, member states should set up strategies aimed at bringing their policies progressively in line with the recommendations and underlying basic principles of the Disability Action Plan, within the framework of national financial resources.

Member states should seek joint approaches and establish partnerships with relevant stakeholders, in particular with non-governmental organisations of people with disabilities, in the implementation and evaluation of the Disability Action Plan.

All relevant bodies and committees of the Council of Europe have been consulted to ensure an increased awareness and implementation of the Disability Action Plan.

The Committee of Ministers will designate an appropriate forum to manage the follow-up process and could recommend that member states analyse specific priority issues in depth. Effective follow-up to the Disability Action Plan requires member states to provide the designated forum with relevant information on a regular basis.

The designated forum will ensure that the Committee of Ministers is regularly informed about the progress made in the implementation of the Disability Action Plan.

## **2. Introduction**

### **2.1. Mission**

The Action Plan seeks to translate the aims of the Council of Europe with regard to human rights, non-discrimination, equal opportunities, full citizenship and the participation of people with disabilities into a European framework on disability for the next decade.

This Action Plan aims to provide a comprehensive framework that is both flexible and adaptable in order to meet country-specific conditions. It is intended to serve as a roadmap for policy makers, to enable them to design, adjust, refocus and implement appropriate plans, programmes and innovative strategies.

The Council of Europe will seek to implement the Action Plan by providing positive assistance to all member states in the form of recommendations, advice and expert information.

### **2.2. Paradigm shift from patient to citizen**

The last decade has seen major political, economic, social and technological changes in Europe. The opportunities and challenges of globalisation, the development of information and communication technology, changing patterns of employment and unemployment, health and demography, migration, and the transition to market economies are transforming the region. Many of these changes have been positive and have consequently raised people's hopes and expectations.

We have moved from seeing the disabled person as a patient in need of care who does not contribute to society to seeing him/her as a person who needs the present barriers removed in order to take a rightful place as a fully participative member of society. Such barriers include attitudes and social, legal and environmental barriers. We therefore need to further facilitate the paradigm shift from the old medical model of disability to the social and human rights based model.



We have shifted our focus to the individual as central to a coherent, integrated approach which respects the human rights, fundamental freedoms and dignity of all disabled individuals. Consequently there has been a shift in many European countries to promote active policies which empower the individual disabled person to control his/her life. At the same time the role of non-governmental organisations in general, and in particular of those of people with disabilities, in society has changed. They have become partners for governments and disabled people alike, as advocates, service providers or as a source of expert knowledge and competence.

The Action Plan is designed to be flexible to take account of future technological change and other developments.

Recent developments in the field of biotechnology and its potential use have created concerns amongst disabled people, to the point that even the right to life is sometimes in question. This plan deals with the full social inclusion and participation of disabled people and therefore it has not been considered appropriate to include such medically related issues as prenatal diagnosis and discrimination in abortion laws on the basis of disability.

However, there is no doubt about the importance of these issues and it is considered vital to ensure that disabled people, through their representative organisations, participate in the relevant national and international ethics and bio-ethics committees dealing with these matters.

### **2.3. *The Malaga Ministerial Declaration***

The Second European Conference of Ministers responsible for integration policies for people with disabilities, held in Malaga (Spain) on 7 and 8 May 2003, wished to build on the First European Conference of Ministers, which took place in 1991 and resulted in the Committee of Ministers' Recommendation No. R (92) 6 on a coherent policy for people with disabilities. This recommendation, adopted on 9 April 1992, influenced the disability policies of Council of Europe member states for more than ten years and prompted inclusive policies which have positively benefited disabled people both nationally and internationally. However, the ministers recognised that further work is needed to progress on disability issues in a changed environment.

In the Malaga Ministerial Declaration, entitled "Progressing towards full participation as citizens", adopted at the conference, the ministers considered that their main aim in the next decade is to further improve the quality of life of people with disabilities and their families. A new strategy is needed to reflect the social model of disability and both the higher expectations of disabled people and of society.

The ministers considered that this strategy should be expressed in an Action Plan designed to eliminate all forms of discrimination against people with disabilities, regardless of their age. The Action Plan should have a special focus on disabled women, people with disabilities in need of a high level of support and ageing people with disabilities, and ensure that they will be able to enjoy their human rights, fundamental freedoms, and full citizenship.

### **2.4. *Human rights framework***

The Council of Europe and its member states will continue to work within anti-discriminatory and human rights frameworks towards safeguarding people with disabilities against any form of discrimination or abuse, and towards mainstreaming equality of opportunity for people with disabilities throughout all policy areas.

In drawing up the Action Plan, the member states would like to acknowledge the influence of existing legal treaties, instruments, standards and policies which support the equal treatment and human rights of people with disabilities. At European level, the Committee of Ministers' Recommendation No. R (92) 6 laid solid foundations. European Union legislation and programmes have further paved the way, and the European Commission Action Plan will shape the manner in which disability policies will henceforth be designed and implemented by the European institutions. The Council of Europe's New Strategy for Social Cohesion (2004) includes a particular commitment to making a reality the rights of those individuals and groups in society who are at particular risk of becoming vulnerable and socially excluded.

In addition to existing European instruments, the United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, the main United Nations human rights treaties, and developments in relation to the draft United Nations international convention on the rights of persons with disabilities are noted.

## **2.5. Strategic goals**

The key objective of this Action Plan is to bring about the full participation of people with disabilities in society, ultimately mainstreaming disability issues throughout all the policy areas.

The plan provides a comprehensive framework of specific recommendations flexible enough to be adaptable in order to meet country-specific conditions. It thus takes due account of the geographic, economic, cultural, and social diversity of member states and recognises that transition processes are under way in various member states. It is intended to serve as a practical tool, a roadmap, for policy makers to enable them to develop and implement appropriate strategies focused on key priorities.

It will aid those countries who need to establish a first national Action Plan for the integration of their disabled citizens and also help countries who already have established such policies and plans to progress them further.

It will help member states to promote active policies which prohibit discrimination and promote the right to equal opportunities with effective means of redress if those rights are infringed.

It encourages member states to respond to the needs of people with disabilities by providing quality and innovative services and consolidating measures already in place.

It provides a useful source of inspiration for private enterprise, non-governmental organisations, and other international organisations.

Lastly and most importantly, the Action Plan promotes the essential concept that disabled people and their representatives need to be consulted as stakeholders in decision-making processes which affect their lives, from national policy design to more individual subjects.

The implementation of the Action Plan will be regularly evaluated to identify progress and share good practice. This will require effective and feasible mechanisms to monitor progress and evaluate the outcome at national level.

## **2.6. Structure and content**

The Action Plan has a broad scope and encompasses all key areas of the life of people with disabilities; for example housing, education, employment, mobility and awareness raising. These key areas are duly reflected in the action lines that are the core of the Action Plan.

The Plan also includes cross-cutting aspects, such as those of women and girls with disabilities, children and young people with disabilities, ageing of people with disabilities, people with disabilities in need of a high level of support, and people with disabilities from minorities and migrants.

In the Action Plan, due account is taken of relevant existing European and international instruments, treaties, plans and developments in relation to the draft United Nations international convention on the rights of persons with disabilities.

The fundamental principles governing this Action Plan include non-discrimination, equal opportunities, independence and full participation of disabled people.

The key elements of the Action Plan are overarching and fundamental principles, key action lines, cross-cutting aspects, implementation and follow-up mechanisms and a phased implementation process. The Action Plan is structured accordingly.

The Action Plan does not contain a definition of disability. The committee agreed that this is a matter for individual member states and their national policy.

Similarly, the Action Plan does not contain a specific action line on the subject of prevention. This is a subject important to disabled people, non-disabled people and governments since the effects of disability impact on the individual, their families and society in general. In line with the World Health Organisation (WHO) International Classification of Functioning, Disability and Health (ICF),<sup>1</sup> this Action Plan as a whole deals with the prevention of the development of activity limitations and participation restrictions. The Action Plan thus acknowledges the ICF and will encourage member states to use this as a standardisation framework.

The committee felt that ongoing developments in medical treatment, advancements in the early detection of disability and the advancement of public health policies should be addressed by relevant committees within the Council of Europe.

The Action Plan acknowledges the principle that society has a duty to all its citizens to ensure that the effects of disability are minimised through actively supporting healthy lifestyles, safer environments and supportive communities. These issues are addressed in the various action lines, but particularly in the ones dealing with health care and rehabilitation.

### **2.7. Fundamental principles**

The fundamental principles which govern this Action Plan are:

- non-discrimination;
- equality of opportunities;
- full participation in society of all persons with disabilities;
- respect for difference and acceptance of disability as part of human diversity;
- dignity and individual autonomy including the freedom to make one's own choices;
- equality between women and men;
- participation of disabled people in all decisions affecting their lives, both at individual level and at society level through their representative organisations.

### **2.8. Procedure**

The drafting process of the Action Plan started at the 26th session of the Committee on the Rehabilitation and Integration of People with disabilities (Partial Agreement) (CD-P-RR) in October 2003. To facilitate this process a working group, mandated by the CD-P-RR and assisted by an ad hoc drafting group, was established to elaborate the Action Plan.

The Action Plan advocates the role of non-governmental organisations of people with disabilities as a source of expert knowledge and sees them as competent partners in policy development. Consequently, the European Disability Forum, representing disabled persons' organisations, has played an important and active role in the elaboration of the Council of Europe Disability Action Plan.

To ensure an increased awareness and implementation of the Action Plan all relevant Council of Europe bodies and committees have been consulted.

## **3. Key action lines**

The Action Plan outlines specific actions in a broad range of policy areas which, when combined, can provide a comprehensive framework to develop and progress national policies and strategies for people with disabilities and also mainstream policies with a view to promoting the full participation of people with disabilities in society.

The action lines build on the Malaga Ministerial Declaration on People with disabilities "Progressing towards full participation as citizens" (adopted at the Second European Conference of Ministers responsible for disability

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<sup>1</sup> Geneva, 2001.

integration policies, Malaga, Spain, May 2003), on Council of Europe Recommendation No. R (92) 6 on a coherent policy for people with disabilities and on developments in Europe generally.

Each action line sets out key objectives and specific actions to be implemented by member states under the following headings:

- No. 1: Participation in political and public life;
- No. 2: Participation in cultural life;
- No. 3: Information and communication;
- No. 4: Education;
- No. 5: Employment, vocational guidance and training;
- No. 6: The built environment;
- No. 7: Transport;
- No. 8: Community living;
- No. 9: Health care;
- No. 10: Rehabilitation;
- No. 11: Social protection;
- No. 12: Legal protection;
- No. 13: Protection against violence and abuse;
- No. 14: Research and development; and
- No. 15: Awareness raising.

### **3.1. Action line No.1: Participation in political and public life**

#### *3.1.1. Introduction*

The participation of all citizens in political and public life and the democratic process is essential for the development of democratic societies. Society needs to reflect the diversity of its citizens and benefit from their varied experience and knowledge. It is therefore important that people with disabilities can exercise their rights to vote and to participate in such activities.

Efforts must be made to create the environment where people with disabilities are encouraged and are able to participate in politics at local, regional, national and international levels. This can only be achieved if conditions are created whereby everyone can enjoy their political rights.

It is noted that women and young people with disabilities generally account for a small proportion of those occupying representative functions. It is important that they are also encouraged to participate and included in representative groups.

#### *3.1.2. Objectives*

- i. To actively promote an environment where people with disabilities can participate on an equal footing in political parties and civil society;
- ii. to increase the participation of people with disabilities in political and public life at all levels, local, regional, national and international, in order to fully represent the diverse nature of society;
- iii. to work to encourage the participation of women and young people with disabilities, as well as those in need of a high level of support, in the political arena at all levels;
- iv. to ensure that people with disabilities and their representative organisations are consulted and have a role to play in determining policies for people with disabilities.

### *3.1.3. Specific actions by member states*

- i. To ensure that voting procedures and facilities are appropriate and accessible to people with disabilities so that they are able to exercise their democratic rights, and allow, where necessary, the provision of assistance in voting;
- ii. to protect the right of people with disabilities to vote by secret ballot and, where necessary, upon their request, allow assistance in voting by a person of their choice;
- iii. to ensure that no person with a disability is excluded from the right to vote or to stand for election on the basis of her/his disability;
- iv. to ensure that election information is available and accessible in all necessary alternative formats, and easy to understand;
- v. to encourage political parties and other civil society organisations to provide their information and organise their public meetings in an accessible way;
- vi. to encourage people with disabilities, in particular women and young people, to form and join representative disability organisations at local, regional and national level for the purpose of contributing to and influencing policy at all levels;
- vii. to encourage consultation with people with disabilities and their organisations on an equal basis to others, in the democratic decision-making process;
- viii. to implement the relevant provisions included in Recommendations Rec(2001)19 of the Committee of Ministers to member states on the participation of citizens in local public life, Rec(2003)3 of the Committee of Ministers to member states on balanced participation of women and men in political and public decision making, Rec(2004)11 on legal, operational and technical standards of e-voting, and Rec(2004)15 on electronic governance.

## **3.2. Action line No. 2: Participation in cultural life**

### *3.2.1. Introduction*

The right of people with disabilities as individuals to be fully integrated into society is dependent on them being able to participate in the cultural life of that society. If people with disabilities are to remain or become independent they must have as complete a life as possible interacting with other members of society, be they disabled or non-disabled people. They have the right to participate in culture, leisure, sport and tourism.

The Council of Europe and its member states are committed to taking the rights of people with disabilities into account when formulating and implementing their cultural policy. Concerted action is required to transform the opportunities and quality of life for people with disabilities through their access and involvement in the arts and social life.

There is no easy route to attaining this goal. Various means can be pursued but it may ultimately require enactment of specific legislation. This should reflect the concept of “reasonable adjustment” especially in the context of access to older buildings or historic monuments and smaller private business premises. It will also require the diversity of society to be fully reflected in broadcasting media.

### *3.2.2. Objectives*

- i. To take appropriate measures to ensure that persons with disabilities can access local, regional and national cultural life;
- ii. to ensure that people with disabilities can participate in cultural, recreational, leisure, sporting, spiritual and social activities, both as observers and as actors;

iii. to work to ensure that people with disabilities can develop and utilise their creative, athletic, artistic, spiritual and intellectual potential for their own benefit and that of their communities.

### 3.2.3. *Specific actions by member states*

- i. To encourage institutions and relevant bodies at local, regional, national and international level to make literature and other cultural information material accessible to people with disabilities, making full use of electronic technology where appropriate, and in simple and understandable wording;
- ii. to urge public institutions and to encourage private institutions, relevant bodies and providers to actively engage all people with disabilities in their cultural, leisure, sporting, spiritual and intellectual activities;
- iii. to encourage their broadcasting and related creative industries to ensure that people with disabilities can access broadcasting, films, theatre plays and other arts-related activities in accessible formats which may include captioning, subscript, audio description and sign language;
- iv. to urge national broadcasting and related creative industries to publish Action Plans for increasing the employment of people with disabilities both “in front of the camera/microphone and behind it”;
- v. to encourage institutions and relevant bodies dealing with culture, sports, leisure and tourism to undertake regular disability awareness training for their staff as a mainstream activity;
- vi. to enable people with disabilities to enjoy access to culture, sports, tourism and leisure activities by, for example, encouraging providers to make their premises and services accessible through whatever means that are necessary;
- vii. to take appropriate steps:
  - to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by people with disabilities to cultural materials, while respecting the provisions of international law;
  - to ensure that persons with disabilities can acquire artist’s status and benefit from their artistic property;
- viii. to encourage people with disabilities to participate in activities regardless of whether they are intended for people with or without disabilities;
- ix. to ensure that sport and cultural activities are an integral part of the education programmes for children with disabilities, recognising the role of such activities in enhancing social skills.

## 3.3. **Action line No. 3: Information and communication**

### 3.3.1. *Introduction*

Access to information and communication is a key aspect for participation in society. If people with disabilities are to exercise their rights actively, participate and make choices about their lives, it is essential that they can access information through adequate communication systems. For many people with disabilities, however, information and communication continue to be largely inaccessible.

Ongoing developments in information and communications are changing the way in which citizens interact with each other, conduct business, access services and information and communicate generally. Technological advancements include the Internet, eCommunication facilities, videophones, etc. It is important that all citizens benefit from such technological advancements and that no group be excluded, in particular people with disabilities.

Public bodies have a particular duty to ensure that their information is accessible in a range of formats responding to the diverse needs of people with disabilities. Such bodies should also be models of best practice

for the private sector, and all those providing services to people with disabilities, who should be encouraged to adopt such practices also.

Communication systems must also be accessible to people with disabilities. There are already good examples of the types of systems that can be used, such as telephone relay systems or text and video communication systems.

People with disabilities should be consulted regarding the development of standards and the design of new communication and information systems.

If we are to have a truly inclusive society, people with disabilities must be able to use information and communication systems along with everyone else.

### 3.3.2. Objectives

- i. To take appropriate measures to ensure that people with disabilities can seek, receive and impart information on an equal footing with other members of society;
- ii. to make the best use of new technologies with the aim of increasing independence and interactions of people with disabilities in all areas of life.

### 3.3.3. Specific actions by member states

- i. To seek to provide official information to people with disabilities in accessible formats and technologies, acknowledging the needs arising from different impairments (for example Braille, audio-tape or easy-to-read versions);
- ii. to undertake training and other actions to encourage the use of information and communication technologies by persons with disabilities;
- iii. to ensure that all e-learning materials are accessible to persons with disabilities through compliance with existing accessibility standards;
- iv. to recognise that people with disabilities may use sign languages, Braille, and alternative means and modes of communication (including advocacy services), and seek to accommodate these as far as possible in official interaction. On request, in meetings and conferences, a person should be available to summarise the contents in simple wording;
- v. to make communication systems more accessible to people with disabilities through new technologies, for example text communication;
- vi. to ensure public authorities and other public bodies make their information and communications accessible to people with disabilities, including their websites which shall comply with current international accessibility guidelines;
- vii. to encourage all private bodies, particularly those that receive public funding, to make their information and communications accessible to people with disabilities;
- viii. to encourage the development, production and distribution of affordable assistive technologies in information and communication;
- ix. to promote compliance with universal design principles with respect to all new information and communication technology developments;
- x. to implement Resolution ResAP(2001)3 "Towards full citizenship of persons with disabilities through inclusive new technologies".

### **3.4. Action line No. 4: Education**

#### *3.4.1. Introduction*

Education is a basic factor in ensuring social inclusion and independence for all people, including those with disabilities. Social influences, for example from families and friends, also contribute, but for the purposes of this action line education shall cover all stages of life, including pre-school, primary, secondary, high school education and professional training, as well as life-long learning. The creation of opportunities for disabled people to participate in mainstream education is not only important for disabled people but will also benefit non-disabled people's understanding of human diversity. Most education systems provide access to mainstream education and specialised educational structures for disabled people, as appropriate. Mainstream and specialised structures should be encouraged to work together to support disabled people in their local communities, but this should be consistent with the goal of full inclusion.

#### *3.4.2. Objectives*

- i. To ensure that all persons, irrespective of the nature and degree of their impairment, have equal access to education, and develop their personality, talents, creativity and their intellectual and physical abilities to their full potential;
- ii. to ensure that disabled people have the opportunity to seek a place in mainstream education by encouraging relevant authorities to develop educational provision to meet the needs of their disabled population;
- iii. to support and promote lifelong learning for disabled people of all ages and facilitate efficient and effective transitions between each phase of their education and between education and employment;
- iv. to foster at all levels of the educational system, including in all children from an early age, an attitude of respect for the rights of people with disabilities.

#### *3.4.3. Specific actions by member states*

- i. To promote legislation, policies and planning to prevent discrimination against children, young people and adults with disabilities in the access to all phases of their education from early years through to adult provision. In doing so, consult with disabled users, parents, and carers, voluntary organisations, and other relevant professional bodies, if appropriate;
- ii. to encourage and support the development of a unified education system, including mainstream and specialised educational provision, which promotes the sharing of expertise and greater inclusion of disabled children, young people and adults in the community;
- iii. to enable the early appropriate assessment of the special educational needs of disabled children, young people and adults to inform their educational provision and planning;
- iv. to monitor the implementation of individual education plans and facilitate a co-ordinated approach to education provision throughout and towards employment;
- v. to ensure that people with disabilities, including children, receive the support required, within the mainstream education system, to facilitate their effective education. In exceptional circumstances, where their professionally-assessed special education needs are not met within the mainstream education system, member states will ensure that effective alternative support measures are provided consistent with the goal of full inclusion. All special and mainstream provisions should encourage the transition to mainstream education and reflect the same goals and standards;
- vi. to encourage the development of initial and ongoing training for all professionals and staff working across all phases of education to incorporate disability awareness and the use of appropriate educational techniques and materials to support disabled pupils and students where appropriate;



- vii. to ensure that all educational material and schemes provided through the general educational system are accessible to persons with disabilities;
- viii. to include, in school civic education syllabuses, subjects relating to people with disabilities as people who have the same rights as all other citizens;
- ix. to ensure that disability awareness is a key part of education programmes in mainstream schools and institutions;
- x. to take steps to make places of education and training accessible for persons with disabilities, including by the provision of personal support and of reasonable adjustments (including equipment) to meet their needs;
- xi. to ensure that parents of disabled children are active partners in the process of the development of the individualised education plans of their children;
- xii. to ensure access to non-formal education allowing disabled youth to develop needed skills otherwise unattainable through formal education;
- xiii. to consider, where appropriate, signing and ratifying the European Social Charter (revised) (ETS No. 163), in particular Article 15.

### **3.5. Action line No. 5: Employment, vocational guidance and training**

#### *3.5.1. Introduction*

Employment is a key element for the social inclusion and economic independence of all citizens of working age. Compared to non-disabled persons, the employment and activity rates of disabled people are very low. Policies to increase the activity rate need to be diversified – according to the employment potential of disabled people – and comprehensive, in order to address all the barriers to participation in the workforce. Improving the employment situation of disabled people would not only benefit the disabled persons but also employers and society as a whole.

Vocational guidance and assistance play an important role in helping people to identify activities for which they are best suited and to guide training needs or future occupation. It is vital that people with disabilities have access to assessments, vocational guidance and training to ensure they can attain their potential.

This action line seeks to form the basis for greater participation of persons with disabilities in employment, to ensure career choices and to lay the foundations through structures and support in order to ensure real choices. All measures apply to public as well as private employers.

Social enterprises (for example social firms, social co-operatives) as part of the open employment, or sheltered workshops may contribute to the employment of disabled persons.

#### *3.5.2. Objectives*

- i. To promote the employment of people with disabilities within the open labour market by combining anti-discrimination and positive action measures in order to ensure that people with disabilities have equality of opportunity;
- ii. to tackle discrimination and promote participation of people with disabilities in vocational assessment, guidance, training, and employment-related services.

#### *3.5.3. Specific actions by member states*

- i. To mainstream issues relating to the employment of people with disabilities in general employment policies;

- ii. to ensure that persons with disabilities have access to an objective and individual assessment which:
  - identifies their options regarding potential occupations;
  - shifts the focus from assessing disabilities to assessing abilities and relating them to specific job requirements;
  - provides the basis for their programme of vocational training;
  - helps them find appropriate employment or re-employment;
- iii. to ensure that people with disabilities have access to vocational guidance, training and employment-related services at the highest possible qualification level, and making reasonable adjustments where necessary;
- iv. to ensure protection against discrimination in all stages of employment, including selection and recruitment, as well as in all measures related to career progression;
- v. to encourage employers to employ people with disabilities by:
  - applying recruitment procedures (for example advertising, interview, assessment, selection) which ensure that job opportunities are positively made available to people with disabilities;
  - making reasonable adjustments to the workplace or working conditions, including telecommuting, part-time work and work from home, in order to accommodate the special requirements of employees with disabilities;
  - increasing the disability awareness of management and staff through relevant training;
- vi. to ensure that general self-employment schemes are accessible and supportive to people with disabilities;
- vii. to ensure that support measures, such as sheltered or supported employment, are in place for those people whose needs cannot be met without personal support in the open labour market;
- viii. to support people with disabilities to progress from sheltered and supported employment to open employment;
- ix. to remove disincentives to work in disability benefit systems and encourage beneficiaries to work when they can;
- x. to consider the needs of women with disabilities when devising programmes and policies related to equal opportunities for women in employment, including childcare;
- xi. to ensure that employees with disabilities enjoy the same rights as other employees in relation to consultation on employment conditions and membership and active participation in trade unions;
- xii. to provide effective measures to encourage the employment of people with disabilities;
- xiii. to ensure that health and safety legislation and regulations include the needs of persons with disabilities and do not discriminate against them;
- xiv. to promote measures, including legislative and integration management, that enable persons who become disabled while employed to stay within the labour market;
- xv. to ensure that especially young disabled people can benefit from employment internships and traineeships in order to build skills and from information on employment practices;
- xvi. to consider, where appropriate, signing and ratifying the European Social Charter (revised) (ETS No. 163), in particular Article 15;
- xvii. to implement Resolution ResAP(95)3 on a charter on the vocational assessment of people with disabilities.

### **3.6. Action line No. 6: The built environment**

#### *3.6.1. Introduction*

The overarching aim is to create a society for all. An accessible environment has a key role to play in creating a more inclusive society where people with disabilities can participate in daily life. Existing barriers in the built environment hinder or prevent disabled persons from such participation and enjoyment of fundamental rights. Making the environment accessible to persons with disabilities, irrespective of type of disability, would additionally benefit all members of society. This requires an understanding of existing barriers, including attitudes and physical barriers, and a commitment to removing these through positive actions and other measures. The Resolution ResAP(2001)<sup>1</sup> on Universal Design promotes the introduction of the principles of universal design into the curricula of all occupations working on the built environment, including architects, engineers, town planners and all other relevant professions and occupations working on or with the built environment. It also aims to simplify life for everyone by making the built environment more accessible, usable and understandable.

#### *3.6.2. Objective*

To progressively establish an environment accessible to people with disabilities by applying the principles of Universal Design, thus avoiding the creation of new barriers.

#### *3.6.3. Specific actions by member states*

- i. To ensure that all relevant policy areas include the overarching aim of creating a barrier-free built environment;
- ii. to develop guidelines and standards, and if necessary legislation, to promote public buildings, and public indoor as well as outdoor environments to be accessible to and usable by people with disabilities, taking into account the specific nature of historic buildings;
- iii. to ensure that universities and institutions responsible for the training of all occupations working on the built environment (such as architects and town planners, professionals in the construction sector, cultural heritage conservators and cultural tourism specialists) promote the principle of universal design through curricula for initial and further training and other appropriate means;
- iv. to promote the use of assistive devices and technological innovations in order to improve the accessibility of the built environment and give persons with disabilities equal opportunities to participate in community life. Such practices should be applied to new constructions and progressively extended to existing buildings;
- v. to support the creation, nomination, and maintenance of centres that promote the concept of Universal Design;
- vi. to ensure that due attention is paid to the safety of people with disabilities when designing emergency and evacuation procedures;
- vii. to ensure that access to buildings and public areas is not barred to assistive animals accompanying persons with disabilities;
- viii. to implement Resolution ResAP(2001)<sup>1</sup> on the introduction of the principles of Universal Design into the curricula of all occupations working on the built environment.

### **3.7. Action line No. 7: Transport**

#### *3.7.1. Introduction*

The development and implementation of accessible transport policies at all levels can result in a substantial improvement in the quality of life of many people with disabilities and can be a prerequisite to achieving equality of opportunity, independent living and active participation in the community social and cultural life as well as employment.

Many member states will already be aware of or party to developments through the European Conference of Ministers of Transport (ECMT) and the principles and actions promoted through that forum can guide progress by member states in implementing this Disability Action Plan. The resulting accessible transport services will benefit other transport users including the elderly and parents with young children.

In order to ensure that disabled people can benefit from public transport, it is vital that the whole transport chain be accessible.

#### *3.7.2. Objectives*

- i. To enhance the participation of persons with disabilities in society through the implementation of accessible transport policies;
- ii. to ensure that accessible transport policies are implemented taking account of the needs of all persons with different kinds of impairments and disabilities;
- iii. to promote the accessibility of existing passenger transport services for all persons with disabilities, and ensure that all new transport services and related infrastructure be accessible;
- iv. to promote the implementation of the principle of universal design in the transport sector.

#### *3.7.3. Specific actions by member states*

- i. To take account of the recommendations, reports and guidelines developed and agreed by international bodies, particularly in relation to the development of standards, guidelines, strategies and, if appropriate, legislation, to ensure the accessibility of transport services and infrastructure including the built environment;
- ii. to monitor and review the implementation of accessible transport policies;
- iii. to ensure that public transport operators include mandatory disability awareness training as part of the standard training courses for persons engaged in transport service provision;
- iv. to promote the introduction and adoption of national guidelines for accessible transport service provision for use by both public and private transport operators;
- v. to establish procedures for co-operation and consultation with the relevant stakeholders including in particular relevant government agencies, service providers and disability interest groups to inform policy development and planning in relation to accessible transport provision;
- vi. to promote and encourage private transport service operators to provide accessible services;
- vii. to ensure that information on public transport services be made accessible as far as possible in diverse formats and through diverse communication systems to cater for people with disabilities;
- viii. to encourage the design of innovative programmes which support disabled people who experience difficulties in using public transport to utilise their own private transport;

- ix. to ensure that assistive animals (for example guide dogs) accompanying people with disabilities are accommodated in public transport;
- x. to ensure the provision and protection of parking facilities for disabled people with reduced mobility;
- xi. to recognise the specific requirements of people with disabilities when devising general fundamental texts on passenger rights;
- xii. to protect through legislation disabled people from discrimination in accessing transport;
- xiii. to ensure that transport safety and emergency procedures do not create additional inequalities for people with disabilities.

### **3.8. Action line No. 8: Community living**

#### *3.8.1. Introduction*

This action line focuses on enabling people with disabilities to live as independently as possible, empowering them to make choices on how and where they live. This requires strategic policies which support the move from institutional care to community-based settings ranging from independent living arrangements to small group homes. Such policies should be flexible, covering programmes which enable persons with disabilities to live with their families and recognising the specific needs of individuals with disabilities requiring a high level of support.

In general, a family's day-to-day life differs considerably depending whether or not it has a child with a disability: guidance and care, for instance, take up a great deal of time, visits to therapists, doctors, etc., are necessary, the child needs supervision in recreational activities and assistance with the practical aspects of daily living, etc. It is important that parents of children with disabilities can have access to suitable training enabling them to acquire the requisite proficiencies to lead a life as close as possible to normal with their disabled child.

Full independent living may not be a possibility or a choice for all individuals. In exceptional cases, care in small, quality structures should be encouraged as an alternative to living in an institution. The design of independent living arrangements should involve people with disabilities and their representative organisations.

Disabled people living in the community have different needs that require different levels of care, assistance and support. Transparent eligibility criteria and independent individual assessment procedures, which take into account disabled persons' own choice, autonomy and welfare, will promote equitable access to services.

Independent living policies are not just confined to living arrangements, but are also dependent on the accessibility of a broad range of services, including transport. The success of such policies requires a mainstream approach to the planning, development and delivery of mainstream services to ensure they also respond to the needs of individuals with disabilities with cross-agency support to ensure a co-ordinated approach.

#### *3.8.2. Objectives*

- i. To enable people with disabilities to plan their life and live as independently as possible in their community;
- ii. to provide a broad range of quality support services at community level in order to allow for freedom of choice;
- iii. to pay special attention to the situation of families that have a child/children with disabilities and advocate an approach that accommodates training for parents concerned, as well as to disabled parents and their participation in child-care and education tasks.

### 3.8.3. *Specific actions by member states*

- i. To ensure a co-ordinated approach in the provision of community-based quality support services to enable people with disabilities to live in their communities and enhance their quality of life;
- ii. to develop and promote housing policies which enable people with disabilities to live in suitable housing in their local community;
- iii. to support formal and informal help, making it possible for people with disabilities to live at home;
- iv. to recognise the status of carers, by providing them with support and relevant training;
- v. to have the needs of families as providers of informal care thoroughly assessed, especially those with children with disabilities or caring for persons in need of a high level of support, with a view to providing information, training and assistance, including psychological support, to enable life within the family, paying particular attention to the reconciliation of private and professional life and to gender equality;
- vi. to ensure community-based quality service provision and alternative housing models, which enable a move from institution-based care to community living;
- vii. to ensure that individuals can make informed choices with the assistance, when appropriate, of a skilled advocacy service;
- viii. to promote schemes which will allow disabled people to employ personal assistants of their choice;
- ix. to provide complementary services and other facilities, for example day centres, short-stay centres or self-expression groups, offering suitable forms of therapy, to give people with disabilities and their families periods of support and respite;
- x. to provide people with disabilities, in particular those in need of a high level of support, with tailored support provision, including advocacy, in order to reduce any risk of social exclusion;
- xi. to implement the relevant provisions included in Recommendation No. R (96) 5 of the Committee of Ministers to member states on reconciling work and family life.

## **3.9. *Action line No. 9: Health care***

### 3.9.1. *Introduction*

People with disabilities have the same right as other members of society to good quality health services and relevant treatment and technology to ensure the best possible health. In some cases, disabled people will require special and innovative health care services to improve the quality of their life. Disabled people and their representatives (where necessary) should be consulted and fully involved in the decision-making process regarding their personal care plan. This approach places disabled people at the centre of the planning process and service provision design and empowers the individuals to make informed decisions about their health.

When planning and delivering health care services, account should be taken of developments regarding the ageing population and the related health consequences, particularly for persons with disabilities. It is therefore necessary to give priority to the development of new policies and strategies in the area of health.

Health care professionals in all member states need to acknowledge the social and human rights model of disability and not focus solely on the medical aspect of disability.

### 3.9.2. *Objectives*

- i. To ensure that all disabled people, regardless of gender, age and origin, nature or degree of impairment:
  - have equal access to all health care services;

- benefit from access to available specialised services, as appropriate;
  - are as fully involved as possible in the decision-making process of their personal care plan;
- ii. to ensure that the needs of people with disabilities are included in health education information and public health campaigns.

### 3.9.3. *Specific actions by member states*

- i. To ensure that no disabled people are discriminated against in access to health care services and medical records;
- ii. to ensure that each disabled person, or, where not possible due to the origin, nature or degree of their impairment, their representative, carer or advocate is fully consulted to the maximum possible extent, in the assessment, design and delivery of their health care plan, medical intervention and treatment;
- iii. to work towards accessible public and private health service facilities and equipment and ensure that health care services, including mental health, psychological support services and in- and out-patient services are equipped and competent to meet the needs of disabled people;
- iv. to ensure that women with disabilities have equal access to health care services, including in particular, ante-natal, gynaecological and family planning advice and treatment;
- v. to ensure that gender specific aspects are respected in health care for disabled people;
- vi. to ensure that reasonable steps are taken to provide all relevant information regarding an individual's health care needs or services in a format understandable to the disabled person;
- vii. to ensure that notification of the disability, whether it occurs before or after birth or after an illness or accident, is made under conditions guaranteeing respect for the person concerned and the family and ensuring clear, comprehensible information and support for the individual and his or her family;
- viii. to provide access to health education and public health campaigns through, amongst others, information and advice for people with disabilities;
- ix. to train health care professionals in such a way as to instill disability awareness together with the proficiency and methods for meeting the specific needs of persons with disabilities;
- x. to recognise the need for early intervention and thus establish effective measures to detect, diagnose, and treat impairments at an early stage, and also to develop effective guidelines for early detection and intervention measures;
- xi. to consider, where appropriate, signing and ratifying the European Social Charter (revised), in particular Article 11.

## **3.10. *Action line No. 10: Rehabilitation***

### *3.10.1. Introduction*

The Committee of Ministers' Recommendation No. R (92) 6 on a coherent policy for people with disabilities recognises that rehabilitation of people with disabilities, by virtue of the economic and social integration it achieves, is a duty of the community, that it guarantees human dignity and alleviates the difficulties stemming from society with which people with disabilities are confronted, and that it should be included among the priority objectives of any society. With respect to this recommendation, a coherent policy for the rehabilitation of people with disabilities should aim at preventing the deterioration of disability, alleviating its consequences, furthering the autonomy of people with disabilities as individuals and ensuring their economic independence and full integration into society. Comprehensive rehabilitation programmes should include a variety of complementary

measures, provisions, services and facilities that can considerably contribute to the physical and psychological independence of disabled people.

### *3.10.2. Objectives*

- i. To enable people with disabilities to attain their maximum independence and achieve their fullest physical, mental, social, and vocational ability;
- ii. to organise, strengthen and extend comprehensive rehabilitation services;
- iii. to enable access to mainstream services and specialist provision to enable people with disabilities to achieve full social integration within their communities and societies;
- iv. to ensure, in particular, high-quality early intervention, a multi-disciplinary approach, from birth, including support and guidance for parents.

### *3.10.3. Specific actions by member states*

- i. To formulate, implement and regularly review national rehabilitation policies and ensure continuous improvement;
- ii. to ensure that people with disabilities, their families and representative organisations contribute to the design of holistic rehabilitation programmes, their delivery and their evaluation;
- iii. to ensure that rehabilitation programmes are accessible and tailored to the individual needs of the disabled person; they need the consent of the disabled person or his/her representative;
- iv. where possible, to utilise mainstream provision and facilities but also ensure that specialist rehabilitation centres are as fully equipped as possible for the service they provide and have a multidisciplinary team of staff specialising in rehabilitation;
- v. to enhance rehabilitation services and support by means of individual multidisciplinary assessment using a holistic approach;
- vi. to promote multi-sector collaboration with the involvement of all relevant sectors, especially health, education, social and employment and to provide an integrated rehabilitation management, where necessary to ensure that persons with disabilities have equality of opportunity;
- vii. to ensure, during education, that children with disabilities have access to programmes of pedagogical rehabilitation and other resources enabling them to achieve their full potential;
- viii. to involve both employers and employees and their organisations in vocational rehabilitation in order to support people who become disabled to return to work at the earliest opportunity;
- ix. to work towards the availability of individualised, community-based programmes of rehabilitation for individuals with a disability who so require;
- x. to promote the availability and affordability of assistive devices as part of rehabilitative measures/programmes for people with disabilities who so require.



### **3.11. Action line No. 11: Social protection**

#### *3.11.1 Introduction*

Social protection includes social security, social assistance or support, and social services, which are vital supports for those dependent on them, as they contribute to the quality of life of their recipients. However, there are many situations in which people with disabilities do not adequately benefit from social protection systems, be it due to the lack of such provisions or due to access difficulties. The social rights enshrined in the revised European Social Charter (ETS No. 163), include in particular the right to social security (Article 12), the right to social and medical assistance (Article 13), and the right to benefit from social welfare services (Article 14). The implementation of these rights helps to reduce the risk of social exclusion and marginalisation and hence contributes to opening access to another right enshrined in the Charter, namely the right of persons with disabilities to independence, social integration and participation in the life of the community (Article 15).

#### *3.11.2 Objectives*

- i. To provide equal access to social protection for people with disabilities;
- ii. to promote policies which progress the shift from financial benefit dependency towards, where possible, employment and independence.

#### *3.11.3. Specific actions by member states*

- i. To ensure a coherent balance between social protection measures and active employment oriented policies in order to discourage inactive benefit dependency;
- ii. to ensure that the allocation of social services and related support is based on a sound, multidisciplinary assessment of the person's needs, and subject to periodic review;
- iii. to ensure that all benefit assessment systems and procedures are accessible to people with disabilities or their representatives;
- iv. to ensure that general social services take account of the specific needs of people with disabilities and their families;
- v. to ensure that co-ordination between and across administrative departments and public and private providers of social services is continuously improved, so that the provision of quality services meets the needs of people with disabilities;
- vi. to consult with social partners and other key actors, including organisations of people with disabilities, in relation to the planning and implementation of social protection policies;
- vii. to ensure effective dissemination of information on all the social protection benefits to which people with disabilities could be entitled, with special focus on people with disabilities at risk of social exclusion;
- viii. to ensure that social inclusion and anti-poverty strategies recognise the specific needs of people with disabilities;
- ix. to consider, where appropriate, signing and ratifying the European Social Charter (revised), the European Code of Social Security (ETS No. 48), the revised European Code of Social Security (ETS No. 139), and the European Convention of Social Security (ETS No. 78);
- x. to implement the relevant provisions included in Recommendation Rec(2003)19 of the Committee of Ministers to member states on access to social rights.

### **3.12. Action line No. 12: Legal protection**

#### *3.12.1. Introduction*

People with disabilities have the right to recognition everywhere as persons before the law. When assistance is needed to exercise that legal capacity, member states must ensure that this is appropriately safeguarded by law.

Persons with disabilities constitute a varied population group, but all have in common, to a greater or lesser extent, the need for additional safeguards in order to enjoy their rights to the full and to participate in society on an equal basis with other members.

The need to focus particular attention on the situation of persons with disabilities, in terms of the exercise of their rights on an equal basis with others, is confirmed by the initiatives taken in this area at national and international level.

The principle of non-discrimination should be the basis of government policies designed to deliver equality of opportunity for people with disabilities.

Access to the legal system is a fundamental right in a democratic society but people with disabilities can often face a number of barriers, including physical access difficulties. This requires a range of measures and positive actions, including general awareness raising among the legal professions about disability issues.

#### *3.12.2. Objectives*

- i. To ensure effective access to justice for persons with disabilities on an equal basis with others;
- ii. to protect and promote the enjoyment of all human rights and fundamental freedoms by persons with disabilities on an equal basis with others.

#### *3.12.3. Specific actions by member states*

- i. To provide protection against discrimination through the setting up of specific legislative measures, bodies, reporting procedures and redress mechanisms;
- ii. to ensure that provisions which discriminate against disabled people are eradicated from mainstream legislation;
- iii. to promote training on human rights and disability (both national and international) for law enforcement personnel, public officials, judiciary and medical staff;
- iv. to encourage non-governmental advocacy networks working in defence of people with disabilities' human rights;
- v. to ensure people with disabilities have equal access to the judicial system by securing their right to information and communication that are accessible to them;
- vi. to provide appropriate assistance to those people who experience difficulty in exercising their legal capacity and ensure that it is commensurate with the required level of support;
- vii. to take appropriate measures to ensure that people with disabilities are not deprived of their liberty, except in accordance with the law;
- viii. to take effective measures to ensure the equal right of persons with disabilities to own and inherit property, providing legal protection to manage their assets on an equal basis to others;
- ix. to ensure that no person with a disability is subjected to medical experimentation against their will;

x. to implement the relevant provisions included in the Recommendation No. R (99) 4 of the Committee of Ministers to member states on principles concerning the legal protection of incapable adults.

### **3.13. Action line No. 13: Protection against violence and abuse**

#### **3.13.1. Introduction**

Acts of abuse or violence against any person are unacceptable and society has a duty to ensure that individuals, particularly the most vulnerable, are protected against such abuse.

There are indications that the rate of abuse and violence committed against persons with disabilities is considerably higher than the rate for the general population, and higher in women with disabilities, particularly women with severe disabilities, where the percentages of abuse far exceed those of non-disabled women. Such abuse can occur in institutions or other types of care and situations, including the family environment. It can be inflicted by strangers or persons known to the individual and can take many forms, for instance verbal abuse, violent actions, or the refusal to meet basic needs.

While governments cannot guarantee that abuse will not happen they must do their utmost to establish protection and the strongest possible safeguards. Prevention can be assisted in many ways, particularly through education to appreciate the rights of individuals to protection and to recognise and reduce the risk of abuse. Persons with disabilities who experience abuse or violence should have access to appropriate supports. They must have a system in which they can have sufficient confidence to report abuse and expect follow-up action, including individual support. Such systems require personnel who are skilled and qualified to detect and respond to situations of abuse.

While there has been some research undertaken in recent years, it is clear that further knowledge is required to inform future strategies and best practice.

#### **3.13.2. Objectives**

- i. To work within anti-discriminatory and human rights frameworks towards safeguarding people with disabilities against all forms of violence and abuse;
- ii. to ensure access for people with disabilities to services and support systems for victims of violence and abuse.

#### **3.13.3. Specific actions by member states**

- i. To establish safeguards to protect people with disabilities from violence and abuse through the effective implementation of policies and legislation, where necessary;
- ii. to promote the availability of and access to training courses for people with disabilities to reduce the risk of violence and abuse, for example courses in self-confidence and empowerment;
- iii. to develop processes, measures and protocols adapted to people with disabilities, to improve detection of violence and abuse, and to ensure that the necessary action is taken against perpetrators, including redress and adequate professional counselling in case of emotional problems;
- iv. to ensure that disabled victims of violence and abuse, including domestic, have access to the relevant support services, including redress;
- v. to prevent and combat violence, ill-treatment and abuse in all situations by supporting families, raising public awareness and education, promoting discussion and co-operation among relevant parties;
- vi. to support people with disabilities, in particular women, and their families, in situations of abuse through the provision of information and access to services;

- vii. to ensure that systems are in place for the protection against abuse of persons with disabilities in psychiatric facilities, social care homes and institutions, orphanages, and other institutional settings;
- viii. to ensure that relevant training is provided to all staff working in disability-specific institutional settings and mainstream support services;
- ix. to train police and judicial authorities so that they can receive testimony from disabled people and treat instances of abuse seriously;
- x. to provide people with disabilities with information on how to avoid the occurrence of violence and abuse, how to recognise it, and how to report it;
- xi. to take effective legislative, administrative, judicial or other measures with strong sanctions in a transparent manner and to allow for independent review by civil society in order to prevent all forms of physical or mental violence, injury or abuse, neglect and negligent treatment, maltreatment, exploitation or abduction of people with disabilities;
- xii. to implement the relevant provisions included in Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence;
- xiii. to implement the relevant provisions included in Recommendation No. R (99) 4 of the Committee of Ministers to member states on principles concerning the legal protection of incapable adults;
- xiv. to implement Resolution ResAP(2005)1 on safeguarding adults and children with disabilities against abuse, and to take account of the relevant complementary report.<sup>2</sup>

### **3.14. Action line No. 14: Research and development**

#### **3.14.1. Introduction**

Comprehensive research, statistical data collection and analysis inform evidence-based policy design. Reliable information identifies emerging issues, helps to design solutions and deliver effective results. It also identifies best practice and monitors change in society.

The lack of data in relation to people with disabilities is recognised as a barrier to policy development at both national and international levels. We need to encourage and advance comprehensive, diversified and specialised research on all disability issues and co-ordinate it at all levels in order to promote the effective implementation of the objectives set out in this Action Plan.

#### **3.14.2. Objectives**

- i. To promote more evidence-based policy and standard development by improving the translation of future-oriented research findings into policy;
- ii. to harmonise statistical data collection methodology, nationally and internationally, in order to achieve valid and comparable research information;
- iii. to use and support all available research and development potential, in a multidisciplinary way, in order to promote the participation of people with disabilities and improve their quality of life.

#### **3.14.3. Specific actions by member states**

- i. To develop statistical and information strategies for disability policy and standard development based on a social and human rights-based model of disability, and to review the effectiveness of existing national strategies and databases;

<sup>2</sup> Safeguarding adults and children with disabilities against abuse, Council of Europe Publishing, Strasbourg, 2003, ISBN 92-871-4919-4.

- ii. to ensure information gained through needs assessments, whilst being treated as confidential on an individual basis, is used to the greatest effect to inform overall service planning and provision at national, regional and local levels;
- iii. to ensure that mainstream research, where appropriate, provides data about the participation of people with disabilities, covering all relevant areas of this Action Plan;
- iv. to ensure that research, where possible, incorporates a gender dimension facilitating analysis of the situation regarding women with disabilities;
- v. to work towards a co-ordinated approach to research by agreeing common classifications leading to evaluation and analysis across national and international databases;
- vi. to promote research studies on successful rehabilitation measures aimed at recovery and reintegration in the community;
- vii. to promote studies on the effects of demographic changes and the ageing process on the quality of life of people with disabilities;
- viii. to involve representatives of persons with disabilities and other relevant stakeholders in the development of research strategy and data gathering;
- ix. to support applied scientific research into the design of new information and communication technologies, technical aids, products and devices which can contribute to the independent living and participation of disabled people in society;
- x. to encourage all product research to take account of universal design principles;
- xi. to promote the exchange of good practice, sharing of information and close co-operation between relevant bodies to ensure availability of comprehensive data to inform policies;
- xii. to commission relevant research and innovative pilot projects to support policy development which covers all the relevant areas of this Action Plan.

### **3.15. Action line No. 15: Awareness raising**

#### *3.15.1. Introduction*

People with disabilities face many barriers to their participation and recognition as full and equal members of society. Most disabled people consider society's attitude to be the biggest barrier to their full integration. Persons with disabilities are still confronted with unacceptable attitudes based on existing prejudices, fear, low expectations and distrust in their abilities. These attitudes could be changed through effective awareness raising strategies involving a range of stakeholders.

In recent years, many member states have progressed anti-discrimination legislation and have encouraged social policy initiatives. These initiatives are contributing to the integration of disabled people into their local communities but this alone is not enough.

In order to promote their activities, member states should ensure co-operation both in the field of media, and in other fields of activity that could help in bringing about a change in attitudes.

Disabled people need to be present in advertisements, on screen, on radio, and in print to bring about a paradigm shift in the perception of disability and disabled people; a real change in attitudes by all members of society can then become a reality.

Society needs to be made aware of the fact that persons with disabilities have the same human rights as all other people and that there are many barriers in society which hinder or prevent people with disabilities in the enjoyment of these rights. The elimination of these barriers will not only benefit persons with disabilities but society in general. Moreover, it is important to show the positive contribution that all persons with disabilities, regardless of the degree of their disability, make as active and full members of society.

### *3.15.2. Objectives*

- i. To improve attitudes towards people with disabilities as active and full members of society through a wide range of actions;
- ii. to raise awareness about disability and the rights of people with disabilities to equality of opportunity and protection against discrimination;
- iii. to combat any negative attitude against disabled persons that could harm the image and interests of people with disabilities.

### *3.15.3. Specific actions by member states*

- i. To mainstream images of disability in all government advertising and publicity to bring about a change of attitudes in society;
- ii. to encourage all media and media organisations to increase and improve the portrayal of people with disabilities as full citizens in their media broadcasting and written communications, for example by introducing ethical guidelines related to the dignity of people with disabilities;
- iii. to encourage television channels and radio stations to discuss issues relating to persons with disabilities in general programmes and, where appropriate, in specialised programmes;
- iv. to undertake, where possible, regular national awareness raising campaigns on the rights, potential and contributions of people with disabilities;
- v. to use innovative and other practical means to highlight to children, young people and adults the issues faced by disabled people;
- vi. to encourage people with disabilities and their organisations to publicise themselves locally and nationally by making available guidance on dealing with the media;
- vii. to support and promote the distribution of examples of good practice in all areas of life to raise awareness in education, working environment and the community.

## **4. Cross-cutting aspects**

### **4.1 Introduction**

Within the European disabled population there are people with disabilities who face specific barriers or experience two-fold discrimination.

These people have a higher risk of exclusion and generally experience lower levels of participation in society. As such, policy makers need to ensure that their inclusion policies and strategies take into account the needs of specific groups of people with disabilities to ensure their participation in society.

The Malaga Declaration highlights two such groups to be considered throughout this Action Plan – women with disabilities and persons in need of a high level of support. The reports of the Working Group on Discrimination against Women with Disabilities and Persons in Need of a High Level of Support analysed the particular factors

unique to these groups and proposed specific actions which cut across many action lines, including independent living, education, employment, etc.<sup>3</sup>

Other groups which require a cross-cutting response include children with disabilities and ageing persons with disabilities, people with disabilities from minorities (for example Roma, migrants, refugees, displaced persons, or other ethnic, cultural or linguistic minorities). Policy makers need to acknowledge the barriers and challenges faced by each of these groups and ensure that their policies are equipped to remove those barriers and ensure that individuals can reach their full potential alongside other citizens.

#### **4.2 Women and girls with disabilities**

Women and girls with disabilities<sup>4</sup> can and often do face multiple obstacles to participation in society due to two-fold discrimination, namely on grounds of both gender and disability. Although the general situation of people with disabilities has significantly improved, the benefits of such changes in society are not always equally distributed between women with disabilities and men with disabilities.

The development and implementation of relevant policies and implementation measures should be designed so as to ensure a balance of opportunities between disabled men and women. The specific situation of women and girls with disabilities needs to be taken into account in the development of both disability and gender mainstream policies and programmes at all levels, namely international, national, regional and local.

Action is required to remove obstacles which prevent women with disabilities from enjoying their rights on the same basis as men and other women. This action extends across a broad range of areas including relationships, parenthood, family life, sexuality and protection from violence and abuse. It also includes measures to ensure equal opportunities to participate in political and public life, education, training, employment and social and cultural life. Many of these policy areas are covered by action lines in this Action Plan but must be considered in terms of how factors affecting the participation of women and girls with disabilities can be addressed by member states.

#### **4.3 People with disabilities in need of high level of support<sup>5</sup>**

One of the more vulnerable groups of people with disabilities is the group of individuals with disabilities who, due to the severity and complex nature of their impairment, require a high level of support. Their quality of life is very much dependent on the availability of appropriate and quality services that respond to their and their families' needs to facilitate their participation in society to the greatest extent possible, rather than a replica of services provided to persons with disabilities generally.

This group tends to be the most likely group to be living in institutional settings or in some cases living with their family but may experience isolation due to little or no contact with service provision and other members of society. For these reasons people of this group require intensive and permanent quality services geared to their specific needs.

Delivery provision needs to be strengthened in order to respond without departing from a model of community based services and equitable access to mainstream provision. Member states need to recognise that this requires intensive planning and co-ordination across relevant authorities, government agencies and service providers both at national and local levels.

#### **4.4 Children and young people with disabilities**

The Convention on the Rights of the Child is based on four fundamental principles – the child's right not be discriminated against; the best interests of the child to be considered in all decisions; the child's right to life and development; and the right to express its opinion. Boys and girls with disabilities also have the right to access

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<sup>3</sup> Discrimination against women with disabilities, Council of Europe Publishing, Strasbourg, 2003, ISBN 92-871-5316-7, Community living for people with disabilities in need of a high level of support, Council of Europe, Strasbourg, 2004.

<sup>4</sup> Any reference in this Action Plan to women with disabilities is understood to include girls with disabilities.

<sup>5</sup> Community living for people with disabilities in need of a high level of support, op. cit.

these same rights, member states need to build knowledge about their needs to inform planning, decisions and practices across a wide spectrum of policy areas.

The needs of children with disabilities and their families must be carefully assessed by responsible authorities with a view to providing measures of support which enable children to grow up with their families, to be included in the community and local children's life and activities. Children with disabilities need to receive education to enrich their lives and enable them to reach their maximum potential.

Quality service provision and family support structures can ensure a rich and developing childhood and lay the foundation for a participative and independent adult life. It is important therefore that policy makers take into account the needs of children with disabilities and their families when designing disability policies and mainstream policies for children and families.

Participation and active citizenship is about having the right, the means, the space and the opportunity and where necessary the support to participate in and influence decisions and engage in actions and activities so as to contribute to building a better society. Youth disability organisations should be consulted in the preparation of youth policy and programmes. The voices of young people with disabilities should be heard in all matters which concern them.

Young people with disabilities still face considerable barriers in accessing all aspects of their life: education, work, sports, culture, entertainment, and community life. These issues can only be addressed on the basis of a comprehensive strategy. Ways to ensuring their full participation in society, taking into account their specific needs, must be addressed in the preparation of any youth policy. In accordance with the European Charter on the participation of young people in local and regional life, the active participation of young people in decisions and actions at local and regional level is essential for building more democratic, inclusive and prosperous societies.

#### **4.5. Ageing of people with disabilities**

The ageing of people with disabilities, particularly those requiring more intensive support due to the nature of their impairment, presents new challenges for societies across Europe. This includes support for individuals and for their families especially where elderly parents are the main carers. Innovative approaches are required to meet these challenges across a wide range of policy and service areas. Council of Europe reports identify key issues for this group and proposals for the way forward. Co-ordinated action which can respond to specific needs with the aim of enabling ageing people with disabilities to remain in their community to the greatest extent possible. This requires an assessment of individual needs and forward planning as well as the availability of required services. Disability issues should also be taken into account when designing policies for older people.

It is considered that these issues and factors affecting the participation of ageing people with disabilities in daily life and activities should be taken into account when devising actions across the action lines set out in this Action Plan.<sup>6</sup>

#### **4.6. People with disabilities from minorities and migrants**

People with disabilities from minority groups, disabled migrants and refugees may experience multiple disadvantages because of discrimination or lack of familiarity with public services.

As an example, despite increased attention paid to Roma in Europe, further action is needed to recognise their status as full and equal members of society. Inside their own community, disabled people are considered as invisible and are therefore a specifically vulnerable group.

Education, employment, social health services and cultural life are particularly important areas to address for all groups.

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<sup>6</sup> Framework for the qualitative and quantitative analysis of data on the ageing of people with disabilities, Council of Europe Publishing, Strasbourg, 1998, ISBN 92-871-3327-1.



Member states should ensure that support for people with disabilities takes account of their language or cultural background and the particular needs of such minority groups.

## **5. Implementation and follow-up**

### **5.1. Introduction**

The governments of member states have the primary responsibility for implementing disability policies at national level, and in particular for implementing the specific actions referring to them under each action line.

This Action Plan acknowledges that anti-discrimination policy, administrative machinery, resources, demography, etc., differ from country to country. It therefore allows member states to decide national priorities and to take a progressive approach to implementation by whatever means are appropriate to them.

It is intended that when implementing the specific actions contained within this Action Plan, that member states will take full account of:

- the principles underpinning the Action Plan, including in particular the rights of individuals to protection against discrimination, to equal opportunities and to the respect of their rights as citizens;
- cross-cutting aspects including the specific needs of women and girls with disabilities, children and young people with disabilities, people with disabilities in need of a high level of support, ageing people with disabilities, migrants with disabilities and people with disabilities from minorities, in addition to the crucial role that quality services and training play in relation to the provision of services to people with disabilities;
- the involvement of representative disability organisations in all stages of implementation, monitoring and evaluation at European, national, regional and local levels which is considered a key element.

#### *5.1.1 Universal Design*

Equality of access is essential for the development of a fully inclusive society. The design of buildings, the environment, products, communication and electronic systems is particularly important to facilitate the participation and independence of people with disabilities in all aspects of life.

Universal Design is an effective way to improve the accessibility and the quality of the built environment, services and products. It focuses on the importance of ensuring that design of the environment, buildings and everyday products is right from the start rather than adapting them at a later stage. Whilst it may not always be possible to make older or historic buildings completely accessible, there are still too many obstacles that impede disabled people from taking part in all aspects of society and making use of all its facilities. Promoting the principle of Universal Design, its wide application and user participation in all design stages is of paramount importance for improving the accessibility of the built environment, transport and communication systems and the usability of products.

#### *5.1.2. Quality of services and training of staff*

Quality and training are key principles which underpin the action lines in this Plan. Many European countries are already systematically working on improving quality of services and training of staff and personnel. It is considered essential that all policies, services and actions be underpinned by high quality standards and delivered by competent, trained personnel. People with disabilities should be the focal point of the services provided. Client satisfaction should be the primary motivation for viable quality policies. It is vitally important that people with disabilities, the service users, should be active participants in quality assurance and monitoring of services.

Training is also an essential element of quality service. This not only includes appropriate training for the personnel involved in service delivery, both disability specific and mainstream services, but also for those who have a role in developing policies which affect the lives of people with disabilities. Training should incorporate awareness of the human rights of people with disabilities.

### *5.1.3. Mainstreaming or sector responsibility*

A mainstreaming approach, or sector responsibility, in policy development and service delivery plays an important role in promoting a more inclusive society and is a key, underlying principle of this Action Plan. Mainstreaming involves the integration of services for people with disabilities with those for other citizens. The goal is to move away from policies which support segregation towards integration in the mainstream wherever possible. However, mainstreaming does not preclude the existence of disability specific policies, where they are in the best interests of persons with disabilities (the so called twin-track approach).

In practice this approach means that disability policies are no longer seen as solely the responsibility of a specific ministry or department. It is the responsibility of all ministries to ensure that their initiatives take into account the rights of persons with disabilities. Co-ordination across and between government sectors and the creation of a focal point for all disability issues should be promoted to enhance and develop the mainstream approach.

## **5.2. Implementation**

The governments of member states have the primary responsibility for implementing disability policies at national level, and in particular for implementing the specific actions referring to them under each action line.

Member states should start with an evaluation of their existing disability policy programmes and underlying basic principles against the blueprint of the Council of Europe Disability Action Plan to identify in which areas progress has yet to be made and which specific actions will have to be carried out.

Based on that evaluation member states should set up strategies to ensure that their own co-ordinated disability policy programmes, strategies and actions are progressively advanced in line with the Council of Europe Disability Action Plan and national financial resources.

The prioritisation and the establishment of a timetable to progress measures outlined are the responsibilities of each member state.

It is important that the implementation of the Plan by member states is supported by a co-ordinated approach involving relevant stakeholders, including non-governmental organisations of people with disabilities, as appropriate.

As part of the implementation, member states should consider the issue of the definition of disability, as appropriate.

Member states will translate the Action Plan into their official languages and make these translations available in alternative formats. Member states will promote the Action Plan involving all relevant stakeholders in order to ensure long-term support.

Upon request, the Council of Europe will assist member states with implementing the Action Plan. Member states should consider co-operation with the Council of Europe Development Bank (CEB) and present bankable projects aimed at implementing the Action Plan at national level.

## **5.3. Follow-up**

The governments of member states have the primary responsibility for the follow-up to be given to the Council of Europe Action Plan at national level, where they decide on appropriate review and follow-up arrangements. To that end, member states should consult with relevant stakeholders, in particular non-governmental organisations of people with disabilities.

At European level, the follow-up of this Action Plan should focus on strengthening co-operation in the field of disability and should allow for effective exchange of information, experience and best practice in a structured way.

Effective follow-up to this Action Plan requires member states to regularly provide the Council of Europe with relevant information. In that context, national government reports to parliament, as well as reports and surveys provided by non-governmental organisations, are of particular interest and relevance.

The forum designated to follow up the Action Plan will manage that process, including the necessary procedures, the establishment of a timetable and a possible mid-term review.

This forum could suggest to member states specific priority issues to be analysed in depth. It will ensure that the Committee of Ministers is regularly informed about progress made in the implementation of this Action Plan.

International non-governmental organisations of people with disabilities will participate in this process within the given rules of procedure. Furthermore, other relevant stakeholders could be invited to contribute to the process, in a way to be specified in the terms of reference for the designated forum.

**Malaga Ministerial Declaration on People with disabilities  
“Progressing towards full participation as citizens”**

*(Adopted at the Second European Conference of Ministers responsible for integration policies for people with disabilities, Malaga, Spain, 7-8 May 2003)*

1. We, the Ministers responsible for integration policies for people with disabilities, gathered from 7 to 8 May 2003 in Malaga on invitation of the Spanish Government, at the Second European Conference of Ministers, organised by the Council of Europe,

**1. Aware of:**

2. the Council of Europe’s aim, as enshrined in its Statute, is “to achieve greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress”;

3. the outcome of the first Conference of Ministers responsible for policies for people with disabilities, held in Paris, 7 and 8 November 1991, entitled “Independent Living for people with disabilities”, which led the Committee of Ministers of the Council of Europe to adopt Recommendation No. R (92) 6 on a coherent policy for people with disabilities;

4. the fact that protection and promotion of human rights and fundamental freedoms, and their full enjoyment are essential for the active participation of people with disabilities in society, and that the principle of equality of opportunities for people with disabilities represents a basic value shared by all Council of Europe member states;

5. the contribution of the European disability movement to the Council of Europe Second Ministerial Conference on disability “From words to deeds”, adopted at the European NGO Forum on 8 April 2003 in Madrid;

6. the existence of substantial variations among Council of Europe member states as regards their political, economic and social situation and of the fact that a number of countries, particularly those with economies in transition, may be less well equipped to meet the demands of modern disability policies and need more advice and further assistance;

7. the fact that policies for people with disabilities are faced with certain political, economic, social, demographic, cultural and technological challenges, since, in the last decade, Europe has been undergoing various changes, which affect the quality of life of the population and raise multiple challenges whilst offering new opportunities for the development of coherent policies for people with disabilities;

8. the fact that two aspects are especially relevant in relation to people with disabilities: on the one hand, the increasing number of the European elderly population, which must be taken into account in any future strategy for social cohesion, based on prevention of dependency on support services over the life course and preservation of quality of life in old age; on the other hand, the fact that, as result of scientific advances in the health field and the improvement of living conditions, persons with physical and mental impairments live longer and fuller lives, generating new needs in relation to the provision of services, economic support and protection of their human rights;

9. the fact that 2003 has been proclaimed European Year of People with Disabilities by the European Union, and that its main aim is to raise awareness of the rights of people with disabilities to equal opportunities and promote full and equal enjoyment of these rights;

10. the works of the UN Ad Hoc Committee “to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities”;
11. the work carried out by the Council of Europe Committee on the Rehabilitation and Integration of People with disabilities, enhancing intergovernmental co-operation in the framework of the Partial Agreement in the Social and Public Health Field;
12. the achievements of the Council of Europe and other international organisations, institutions or events as listed in the Appendix to this Declaration;

## **2. Reaffirm:**

13. our commitment to securing human rights and fundamental freedoms for everyone under our countries’ jurisdiction, as set out in the European Convention on Human Rights, and that all human beings are born free and equal in dignity and rights, and with a potential to contribute constructively to the development and well-being of society, and that all persons are equal before the law and entitled to equal protection of the law;
14. that arrangements for the full and effective implementation of all human rights, as enshrined in European and other international human rights instruments, must be applicable without any discrimination or distinction on any ground, including disability;
15. our will expressed in the 1st Conference of Ministers responsible for policies for people with disabilities, held in Paris in 1991, to promote a coherent and integrated policy for persons with disabilities, and that Recommendation No. R (92) 6 on “A coherent policy for people with disabilities” has inspired countries to adopt legislative and policy measures leading to progress on the way to full participation, and that it is a basic reference document which should serve as a platform for future action;
16. that enhancing citizenship and full participation of people with disabilities requires empowerment of the individual so that he/she can take control of his/her own life, which may require specific support measures;

## **3. Consider:**

17. that our main aim in the next decade is to improve the quality of life of people with disabilities and their families, putting the emphasis on their integration and full participation in society, since a participative and accessible society is of benefit to the whole population;
18. that measures aimed at improving the quality of life of people with disabilities should be based on a sound assessment of their situation, potential and needs, developing innovative approaches in services, taking account of their preferences, entitlements and circumstances;
19. that appropriate strategy to reach this aim should be expressed in a future Action Plan to promote the elimination of all forms of discrimination against people with disabilities of all ages, with special focus on disabled women and people with disabilities in need of a high level of support, so that they will all be able to enjoy their human rights, fundamental freedoms and full citizenship;
20. that it is necessary to adopt an integrated approach towards the elaboration of national and international disability policies and legislation, and to duly reflect the needs of people with disabilities in all relevant fields of policies, particularly in key areas such as access to housing, education, vocational guidance and training, employment, the built environment, public transport, information, health care, and social protection;
21. that it is a basic objective to develop economic, social, educative, employment, environmental and health measures in order to maintain every disabled individual’s maximum capacity over the life course and in order to help prevent disability;
22. that education is a basic instrument of social integration and efforts should be made to give the opportunity to children with disabilities to attend a mainstream school, if it is in the interest of the child, to

facilitate the transition from school or higher education to employment, and to develop the concept of life-long learning;

23. that equality of access to employment is a key element for social participation; therefore progress should be made towards the integration of people with disabilities in the labour market, preferably in the open market, shifting our focus to assessing abilities and implementing active policies, and that having a diverse workforce by promoting access of people with disabilities in the ordinary labour markets is an added value for society;

24. it vital to understand the social nature of technology and to make the best use of the potential of new technologies, with the aim of increasing autonomy and interactions of people with disabilities in all areas of life;

25. that as a result of scientific advances in the health field and the improvement of living conditions, persons with physical, psychological and intellectual impairments live longer, generating new needs and challenges in relation to the provision of care services, which should be met with innovative approaches;

26. the need to ensure that the benefits of living longer do not result in an increasingly higher number of persons dependent on support services, by fostering, among the population from an early age, healthy habits and life conditions which enable a good state of physical and mental health at a later stage in life;

27. that progress is required to provide for the removal of barriers and the adoption of the universal design principle to ensure that new barriers are not created;

28. that there is a small but growing number of people with disabilities in need of a high level of support and we therefore recognise the need to strengthen structures around those individuals and their families without departing from a model of community-based services;

29. that the situation of women with disabilities in Europe deserves higher visibility and more specific attention in order to guarantee their independence, autonomy, participation and social integration and that action taken should support a gender mainstreaming approach to disability policy development;

#### **4. Undertake:**

30. to work within anti-discriminatory and human rights frameworks towards mainstreaming equality of opportunity for people with disabilities throughout all policy areas;

31. not to discriminate on the grounds of the origin of the disability or the identity of the disabled person;

32. to enhance the possibilities of people with disabilities to carry on an independent life, within the community, through the progressive adoption of the principles of inclusive technologies and universal design *inter alia* in the building of environments, public facilities, communication systems and housing;

33. to work towards strengthening co-ordination across and between government departments; with a particular commitment to promoting equity in mainstream service provision, health care and the legal system as well as improving accountability between local, regional and national areas of responsibility;

34. to promote the provision of quality services, responding to the needs of individuals with disabilities which are accessed via published eligibility criteria, based on thorough and equitable assessment, shaped by the disabled person's own choices, autonomy, welfare and representation, with proper safeguards, regulation and access to independent adjudication of complaints, and to consolidate and strengthen measures already in place;

35. to champion the inclusion of people with disabilities in all walks of life through education and by making a commitment to people with disabilities as citizens with control over their life;

36. to progress the integration of people with disabilities into the labour market by moving the focus to assessing abilities, in particular vocational abilities, and by making vocational guidance and training as well as employment more accessible;

37. to take full account of the needs of children with disabilities and their families as well as of elderly people with disabilities without detracting from the current commitments to disabled adults of working age, whether or not they are in employment, noting that employment cannot be allowed to stand as the only measure of citizenship, arena for participation and route to human dignity;
38. to continue supporting basic and applied scientific research particularly in the area of new information and communication technologies, in order to improve aids that enable interactive participation in all areas of life;
39. to implement the means necessary for an effective balancing of opportunities between men and women and active participation of persons with disabilities, with special focus on women and girls within the areas of education and training, employment, social policy, participation and decision-making, sexuality, social representation, motherhood, home and family life, and on prevention of violence;
40. to carry out further analyses of the scope of measures and provisions that would effectively improve community living for people with disabilities in need of a high level of support, and to collect the statistical data necessary for the definition and evaluation of disability policies;
41. to have the needs of families of children with disabilities carefully assessed by the responsible authorities with a view to providing measures of support to enable children to grow up with their families, to be included in local children's life, and to receive an education;
42. to have the needs of families as providers of informal care thoroughly assessed, especially those with children with disabilities or caring for persons in need of a high level of support, with a view to providing measures of information, training and assistance, including psychological support, to enable life within the family;
43. to work on the development of programmes and resources to meet the needs of persons with disabilities as they age;
44. to foster among the population from early age health habits and life conditions in order to reach active ageing in the highest attainable standard of physical and mental health;
45. to work towards the development of a positive image of people with disabilities in co-operation with various stakeholders, including the media;
46. to involve people with disabilities in decisions affecting them personally, and organisations of people with disabilities in policy making, paying special attention to people with multiple disabilities or complex disorders and those who are unable to represent themselves;
47. to promote the involvement and collaboration of the social partners and all other public and private stakeholders and actors involved in policy-making;

## **5. Recommend:**

48. that the Committee of Ministers of the Council of Europe continues to promote policies aimed at ensuring full citizenship and active participation of people with disabilities, with the full participation of all member states, and to strengthen the role of the Council of Europe as a platform for international co-operation in the field of disability policy-making by inviting the Committee on the Rehabilitation and Integration of People with disabilities and other relevant Council of Europe committees to further mainstream disability policies within their areas of competence;
49. the elaboration, taking into account the considerations raised at this Ministerial Conference, of a Council of Europe Action Plan for people with disabilities: a new European policy framework for the next decade, based on human rights and partnership between different actors, setting up strategic objectives and priority issues in order to achieve full citizenship and active participation of people with disabilities in the life of the community, through workable, affordable and sustainable policies;

50. that the Council of Europe plays an active role in the negotiations in the context of the forthcoming sessions of the United Nations Ad hoc Committee established “to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities”, by making use of the Council’s extensive experience in human rights matters;

**6. Invite:**

51. all Council of Europe member and observer states and representatives from European non-governmental organisations to participate in the activities and work of the Council relating to the enhancing of a coherent policy for and through full participation of people with disabilities;

**7. Wish:**

52. to share the beliefs, values and principles concerning the human rights and fundamental freedoms of people with disabilities, as well as full citizenship and active participation in the life of the community, set out in this Declaration of European Ministers, and identified as common European features, with everybody, including people outside Europe.

\* \* \*

Finally, we thank the Spanish authorities for the excellent organisation of the Conference and for their generous hospitality.



**Reference Texts**

Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5);

European Social Charter (ETS No. 35) and European Social Charter (revised) (ETS No. 163);

European Code of Social Security (ETS No. 48), Protocol to the European Code of Social Security (ETS No. 48A), European Code of Social Security (revised) (ETS No. 139);

Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (ETS No. 164);

European Convention on Architectural Heritage (ETS No. 121);

Landscape Convention (ETS No. 176);

“Strategy for Social Cohesion” adopted by the European Committee for Social Cohesion of the Council of Europe on 12 May 2000;

Recommendation No. R (86) 18 of the Committee of Ministers on the European Charter on Sport for all: disabled persons;

Recommendation No. R (92) 6 of the Committee of Ministers on a coherent policy for people with disabilities;

Resolution ResAP(95)3 on a charter on the vocational assessment of people with disabilities;

Recommendation No. R (96) 5 of the Committee of Ministers to member states on reconciling work and family life;

Recommendation No. R (98) 3 of the Committee of Ministers to member states on access to higher education;

Recommendation No. R (98) 9 of the Committee of Ministers to member states on dependence;

Recommendation No. R (99) 4 of the Committee of Ministers to member states on the legal protection of incapable adults;

Recommendation Rec(2001)12 of the Committee of Ministers to member states on the adaptation of health care services to the demand for health care and health care services of people in marginal situations;

Recommendation Rec(2001)19 of the Committee of Ministers to member states on the participation of citizens in local public life;

Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence;

Recommendation Rec(2003)3 of the Committee of Ministers to member states on balanced participation of women and men in political and public decision-making;

Recommendation Rec(2003)19 of the Committee of Ministers to member states on improving access to social rights;

Recommendation Rec(2004)10 of the Committee of Ministers to member states concerning the protection of the human rights and dignity of persons with mental disorder;

Recommendation Rec(2004)11 of the Committee of Ministers to member states on legal, operational and technical standards for e-voting;

Recommendation Rec(2004)15 of the Committee of Ministers to member states on electronic governance (“e-governance”);

Recommendation Rec(2005)5 of the Committee of Ministers to member states on the rights of children living in residential institutions;

Resolution ResAP(2001)1 of the Committee of Ministers of the Council of Europe on the introduction of the principles of Universal Design into the curricula of all occupations working on the built environment (“The Tomar Resolution”);

Resolution ResAP(2001)3 of the Committee of Ministers of the Council of Europe “Towards full citizenship for people with disabilities through inclusive new technologies”;

Resolution ResAP(2005)1 of the Committee of Ministers of the Council of Europe on safeguarding adults and children with disabilities against abuse;

Recommendation 1185 (1992) of the Parliamentary Assembly of the Council of Europe on rehabilitation policies for the disabled;

Recommendation 1418 (1999) of the Parliamentary Assembly of the Council of Europe on the protection of the human rights and dignity of the terminally ill and the dying;

Recommendation 1560 (2002) of the Parliamentary Assembly of the Council of Europe “Towards concerted efforts for treating and curing spinal cord injury”;

Recommendation 1592 (2003) of the Parliamentary Assembly of the Council of Europe “Towards full social inclusion of persons with disabilities”;

Recommendation 1598 (2003) of the Parliamentary Assembly of the Council of Europe on protection of sign languages in the member states of the Council of Europe;

Recommendation 1601 (2003) of the Parliamentary Assembly of the Council of Europe on improving the lot of abandoned children in institutions;

Recommendation 1698 (2005) of the Parliamentary Assembly of the Council of Europe on the rights of children in institutions;

Resolution 216 (1990) of the Standing Conference of Local and Regional Authorities of Europe (currently the Congress of Local and Regional Authorities of the Council of Europe (Congress)) on the rehabilitation and integration of the disabled: role of local authorities;

Congress Recommendation 129 (2003) and Resolution 153 (2003) on employment and vulnerable groups;

Revised European Charter on the Participation of Young People in Local and Regional Life (Congress), 21 May 2003;

Final Declaration adopted by the Heads of State and Government of the member states of the Council of Europe, meeting in Strasbourg for the Second Summit of the Council of Europe (October 1997), who recognised that “social cohesion is one of the foremost needs of the wider Europe and should be pursued as an essential complement to the promotion of human rights and dignity”;

Final Declaration (Malta Declaration) adopted at the Council of Europe Conference on Access to Social Rights, 14-15 November 2002;

Council of Europe Commissioner for Human Rights contributions;

United Nations Convention on the Rights of the Child (1989);

United Nations International Covenant on Economic, Social and Cultural Rights (1966);

United Nations International Covenant on Civil and Political Rights (1966);

United Nations Universal Declaration of Human Rights (1948);

United Nations Standard Rules on the Equalisation of Opportunities for Persons with Disabilities (1993);

UNESCO Salamanca Statement and Framework for Action on Special Needs Education (1994);

International Plan of Action on Ageing, adopted by the Second World Assembly on Ageing, Madrid, 8-12 April 2002;

Regional Implementation Strategy for the Madrid International Plan of Action on Ageing 2002, adopted by the United Nations Economic Commission for Europe Ministerial Conference on Ageing, Berlin, 11-13 September 2002;

International Classification of Impairments, Disabilities and Handicaps (ICIDH) (1980) of the World Health Organisation (WHO);

International Classification of Functioning, Disability and Health (ICF) (2001) of the World Health Organisation (WHO);

Convention concerning Vocational Rehabilitation and Employment (Disabled Persons) of the International Labour Organisation (ILO) (No.C159), 1983, and the corresponding ILO Recommendation on Vocational Rehabilitation and Employment (Disabled Persons) (No. R168), 1983

Resolution of the Council and the Ministers for Education meeting with the Council of 31 May 1990 concerning integration of children and young people with disabilities into ordinary systems of education;

Communication of the Commission on Equality of Opportunity for People with Disabilities: a New European Community Disability Strategy (COM(96) 406 final);

Resolution of the Council of the European Union and of the representatives of the governments of the member states meeting within the Council of 20 December 1996 on equality of opportunity for people with disabilities;

Council Recommendation of 4 June 1998 on a parking card for people with disabilities (98/376/EC);

Council Resolution of 17 June 1999 on equal employment opportunities for people with disabilities (1999/C 186/02);

Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: Towards a Barrier Free Europe for People with Disabilities (COM(2000) 284 final);

Council Directive (2000/78/EC) of 27 November 2000 establishing a general framework for equal treatment in employment and occupation;

Council Decision (2000/750/EC) of 27 November 2000 establishing a Community action programme to combat discrimination (2001-2006);

Council Decision (2001/903/EC) of 3 December 2001 on a European Year of People with Disabilities 2003;

Council Resolution on 6 February 2003 “eAccessibility” – improving the access of people with disabilities to the knowledge based society, (2003/C 39/03);

Council Resolution of 5 May 2003 on equal opportunities for pupils and students with disabilities in education and training (2003/C 134/04);

Council Resolution on 6 May 2003 on accessibility of cultural infrastructure and cultural activities for people with disabilities (2003/C 134/05);

Council Resolution of 15 July 2003 on promoting the employment and social integration of people with disabilities (2003/C 175/01);

Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: eAccessibility (COM(2005) 425 final);

Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: Implementation, results and overall assessment of the European Year of People with Disabilities 2003 (COM(2005) 486 final);

Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: Situation of disabled people in the enlarged European Union: the European Action Plan 2006-2007 (COM(2005) 604 final);

Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: Equal opportunities for people with disabilities: a European Action Plan (COM(2003) 650 final);

Madrid Declaration “Non-discrimination plus positive action results in social inclusion”, adopted at the European Conference of non-governmental organisations held in Madrid, March 2002;

Barcelona Declaration: the City and the Disabled (1995);

Declaration of the European Social Partners on the employment of people with disabilities (Cologne, May 1999);

Declaration of the Social Partners for the European Year of People with Disabilities: Promoting equal opportunities and access to employment for people with disabilities (20 January 2003);

Contribution of the European disability movement to the Council of Europe Second European Conference on disability “From words to deeds”, adopted at the European NGO Forum on 8 April 2003 in Madrid.