

# Developing a Strategy to Promote the Rights of People with Disabilities

## Annexes

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## Annex 1: Key Human Rights Treaties

Document	Relevance to the strategy
<p><a href="#"><u>UN Convention on the Rights of Persons with Disabilities</u></a></p>	<p>Defines a range of rights for persons with disabilities that cover all aspects of life, such as respect for home and the family (Article 23), education (Article 24), employment (Article 27), health (Article 25), participation in political and public life (Article 29), participation in cultural life, recreation, leisure and sport (Article 30), the right to life (Article 10), freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 15), equal recognition before the law (Article 12) and the right to equal protection and equal benefit of the law (Article 5).</p> <p>Article 19 recognizes the right of persons with disabilities “to live in the community with choices equal to others”. It requires States Parties to develop a range of community-based support services for people with disabilities, including personal assistance, and to ensure that community services and facilities for the general population are accessible to persons with disabilities.</p> <p>Accessibility (of physical environment, transportation, information and communication, and facilities and services available to general population) is also key for enabling persons with disabilities to participate fully in all aspects of life (Article 9).</p>
<p><a href="#"><u>UN Convention on the Rights of the Child</u></a></p>	<p>Sets out a range of rights for all children, including the right to education (Article 28), to adequate healthcare (Article 24), to protection from harm and abuse (Article 19). Recognizes that the child “for the full and harmonious development of his or her personality should grow up in a family environment” (Preamble). It is the primary responsibility of parents to raise their children and it is the responsibility of the state to support parents in order that they can fulfil that responsibility (Article 18).</p> <p>Article 23 recognises that children with disabilities have a right to live in “conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community” (Article 23). The states should ensure that children with disabilities receive the necessary assistance in order to have “effective access to and receive education, training, health care, preparation for employment and recreation opportunities”.</p>
<p><a href="#"><u>International Covenant on Economic, Social and Cultural Rights</u></a></p>	<p>Sets out a number of economic, social and cultural rights, such as education (Article 13), work (Article 6), the right to adequate standard of living and improvement of living and working conditions (Article 11) and the right of everyone to achieve the highest attainable standard of physical and mental health (Article 12).</p>

<p><a href="#"><u>International Covenant on Civil and Political Rights</u></a></p>	<p>Covers a number of civil and political rights, including the right to life (Article 6), the right to freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 7), the right to liberty and security (Article 9); the right to marry and found a family (Article 23); the right to take part in the conduct of public affairs and to vote (Article 25), and the right to equality before the law (Article 26).</p>
<p><a href="#"><u>European Convention on Human Rights</u></a></p>	<p>Covers civil and political rights, such as freedom from torture or inhuman or degrading treatment or punishment (Article 3), the right to liberty (Article 5), the right to private and family life (Article 8), and the right to marry and found a family (Article 12). In addition, Article 14 of the Convention provides that enjoyment of the rights safeguarded in the Convention shall be secured without discrimination on any ground. Protocol No. 12 of the Convention advances the Convention’s protection of equality beyond the relatively limited guarantee in Article 14, which guarantees a right to non-discrimination only in the enjoyment of rights under the Convention. Article 1 of the Protocol states that ‘The enjoyment of any right set forth by law shall be secured without discrimination on any ground...’</p>
<p><a href="#"><u>Charter of Fundamental Rights of the European Union</u></a></p>	<p>The Charter prohibits discrimination on the ground of disability (Article 21). It reaffirms the right of persons with disability to participate in society stating that “[t]he Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community” (Article 26).</p>
<p><a href="#"><u>European Social Charter Revised</u></a></p>	<p>Article 15 emphasises the right of persons with disabilities to independence, social integration and participation in the life of the community and requires state parties to develop the necessary measures to achieve this right. This involves ensuring access to education and employment as well as measures “aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure”.</p>

## Annex 2: Legal and Policy Framework for the Disability Strategy

### Introduction

*This annex provides details of international and European human rights standards (legally binding treaties as well as additional human rights standards such as general comments and recommendations issued by treaty bodies) and other legal and policy documents that are relevant to the planning and implementation of national disability strategies.*

### 1. United Nations Human Rights Standards

#### UN Convention on the Rights of Persons with Disabilities ('the CRPD')

Defines a range of rights for persons with disabilities that cover all aspects of life, such as respect for home and the family (Article 23), education (Article 24), employment (Article 27), health (Article 25), participation in political and public life (Article 29), participation in cultural life, recreation, leisure and sport (Article 30), the right to life (Article 10), freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 15), equal recognition before the law (Article 12) and the right to equal protection and equal benefit of the law (Article 5).

Article 19 of the CRPD recognizes the right of persons with disabilities "to live in the community with choices equal to others". It requires states to develop a range of community-based support services for people with disabilities, including personal assistance, and to ensure that community services and facilities for the general population are accessible to persons with disabilities.

Accessibility of physical environment, transportation, information and communication, and facilities and services available to general population is also key for enabling persons with disabilities to participate fully in all aspects of life (Article 9).

#### Draft General Comment of the Committee on the Rights of Persons with Disabilities ('the CRPD Committee') on Article 12: Equal Recognition before the Law

Article 12 of the CRPD reaffirms the right of individuals with disabilities "to recognition everywhere as persons before the law" and requires State parties "to provide access by persons with disabilities to the support they might require in exercising their legal capacity" and to ensure that appropriate and effective safeguards against abuse are in place.

In its draft general comment, the CRPD Committee stresses that an individual's status as a person with disability "can never be the basis for denial of legal capacity". It calls for the State parties to examine all areas of law and to abolish denials of legal capacity on the basis of disability and replace regimes of substitute decision-making (such as, guardianship, conservatorship, forced treatment) with supported decision-making (para. 24). Supported decision-making must be available to all and based "on the will and preferences of the individual,

	not on the perceived/objective best interest of the person” (para. 25)
<a href="#"><u>Draft General Comment of the Committee on the Rights of Persons with Disabilities on Article 9: Accessibility</u></a>	<p>Article 9 of the CRPD requires the States Parties to ensure to persons with disabilities “access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas”.</p> <p>In its draft general comment, the CRPD Committee highlights that all new objects, facilities, products and services should be fully accessible to persons with disabilities in accordance with the principles of the universal design. At the same time, the States Parties should ensure accessibility of all existing physical environment, transportation, information and communication and services. States Parties are obliged to set national accessibility standards in consultation with organisations of persons with disabilities, and to adopt an adequate legal framework. The “duty to observe accessibility standards applies equally to the public and the private sector” (para. 32).</p>
<a href="#"><u>UN Convention on the Rights of the Child (‘the CRC’)</u></a>	
<p>Sets out a range of rights for all children, including the right to an education (Article 28), to adequate healthcare (Article 24), to protection from harm and abuse (Article 19). Recognizes that the child, “for the full and harmonious development of his or her personality should grow up in a family environment” (Preamble). It is the primary responsibility of parents to raise their children and it is the responsibility of the state to support parents in order that they can fulfil that responsibility (Article 18).</p> <p>Article 23 recognises that children with disabilities have a right to live in “conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community” (Article 23). The states should ensure that children with disabilities receive the necessary assistance in order to have “effective access to and receive education, training, health care, preparation for employment and recreation opportunities”.</p>	
<a href="#"><u>General Comment of the Committee on the Rights of the Child No. 15 (2013): The right of the child to the enjoyment of the highest attainable standard of health (article 24 of the</u></a>	<p>The CRC Committee recognises the importance of family care for all children and underlines that “[w]here hospitalization or placement in an institution is being considered, this decision should be made in accordance with the principle of the best interests of the child, with the primary understanding that it is in the best interests of all children with disabilities to be cared for, as far as possible, in the community in a family setting and preferably within their own family with the necessary</p>

<p><a href="#"><u>Convention on the Rights of the Child</u></a></p>	<p>supports made available to the family and the child” (para. 15). Further, it urges the States to ensure that all children’s health services and programmes comply with the criteria of availability, accessibility, acceptability and quality. Accessibility here refers to physical, information and economic accessibility and non-discrimination (para. 114).</p>
<p><a href="#"><u>General Comment of the Committee on the Rights of the Child No. 9 (2007): The rights of children with disabilities</u></a></p>	<p>The CRC Committee highlights that children with disabilities have the same right to education as all other children and explicitly states that “[i]nclusive education should be the goal of educating children with disabilities” (para. 66). It urges States to ensure that “persons including children with disabilities are not excluded from the general education system on the basis of disability and that they receive the support required, within the general education system, to facilitate their effective education”. In order to ensure that children with disabilities are included in the school system, a number of measures need to be implemented, including modification of school practices, training of teachers, removal of communicational and physical barriers in schools, development of support services, etc.</p> <p>With regard to health, the CRC Committee underlines that “attainment of the highest possible standard of health as well as access and affordability of quality healthcare is an inherent right for all children” (para. 51). It emphasises that health services for children with disabilities should be provided within the same public health system that provides for children without disabilities and that health professionals “are trained to the highest possible standard and practice based on child-centred approach” (para. 52).</p>
<p><a href="#"><u>UN International Covenant on Economic, Social and Cultural Rights (‘the ICESCR’)</u></a></p>	
<p>Promotes a number of economic, social and cultural rights, such as education (Article 13), work (Article 6), the right to adequate standard of living and improvement of living and working conditions (Article 11), and the right of everyone to achieve the highest attainable standard of physical and mental health (Article 12).</p>	
<p><a href="#"><u>General Comment of the Committee on Economic, Social and Cultural Rights No.21(2009): Right of everyone to</u></a></p>	<p>Drawing on Article 30 of the CRPD, the ICESCR Committee states that “[i]n order to facilitate participation of persons with disabilities in cultural life, States Parties should, inter alia, recognize the right of these persons to have access to cultural material, television programmes, films, theatre and other cultural activities, in accessible</p>



<p><a href="#"><u>participate in cultural life</u></a></p>	<p>forms; to have access to places where cultural performances or services are offered, such as theatres, museums, cinemas, libraries and tourist services and, to the extent possible, to monuments and places of national cultural importance; to the recognition of their specific cultural and linguistic identity, including sign language and the culture of the deaf; and to the encouragement and promotion of their participation, to the extent possible, in recreational, leisure and sporting activities” (para. 31)</p>
<p><a href="#"><u>General Comment of the Committee on Economic, Social and Cultural Rights No. 20 (2009): Non-discrimination in economic, social and cultural rights</u></a></p>	<p>The ICESCR Committee defines discrimination against persons with disabilities as “any distinction, exclusion, restriction or preference, or denial of reasonable accommodation based on disability which has the effect of nullifying or impairing the recognition, enjoyment or exercise of economic, social or cultural rights” and encourages States to include the denial of reasonable accommodation in the national legislation as a prohibited form of discrimination (para. 28). Discrimination, such as prohibitions on the right to education and denial of reasonable accommodation, should be addressed in both public and private spheres.</p>

<p><a href="#"><u>General Comment of the Committee on Economic, Social and Cultural Rights No. 14 (2000) The right to the highest attainable standard of health</u></a></p>	<p>The ICESCR Committee states that health is a fundamental human right indispensable for the exercise of other rights and that “Every human being is entitled to the enjoyment of the highest attainable standard conducive to living a life in dignity” (para.1). The ICESCR “proscribes any discrimination in access to health care and underlying determinants of health, as well as the means to their procurement, on the grounds of...physical or mental disability...which has the intention or effect of nullifying or impairing the equal enjoyment or exercise of the right to health” (para.18). Furthermore, “the Committee stresses the need to ensure that not only the public health sector but also private providers of health services and facilities comply with the principle of non-discrimination in relation to persons with disabilities” (para. 26).</p>
<p><a href="#"><u>General Comment of the Committee on Economic, Social and Cultural Rights No. 5 (1994): Persons with Disabilities (Annex IV)</u></a></p>	<p>The ICESCR Committee underlines that the obligations under the ICESCR not only require states to abstain from taking measures which might negatively affect people with disabilities but also “to take positive action to reduce structural disadvantages and to give appropriate preferential treatment to people with disabilities in order to achieve the objectives of full participation and equality within society for all persons with disabilities” (para.9).</p> <p>With regard to the right to work, the ICESCR Committee notes that it is not realised if the only real opportunity open to disabled workers is to work in so-called “sheltered” facilities under “substandard conditions” (para. 21). The “therapeutic treatment” in institutions amounts to forced labour and is incompatible with the ICESCR. In order for people with disabilities to have equal opportunities for productive labour, physical barriers in housing, transportation and the workplace should be removed. The vocational programmes, required under Article 6(2) of the ICESCR “should reflect the needs of all persons with disabilities, take place in integrated settings, and be planned and implemented with the full involvement of representatives of persons with disabilities” (para. 24).</p> <p>With regard to social protection, the ICESCR Committee stresses that institutionalisation of persons with disabilities “cannot be regarded as an adequate substitute for the social security and income-support rights of such persons” (para. 29) Further, the right to adequate standard of living covers not only material needs (e.g. accessible housing, adequate food) but also availability of support services, including assistive devices (para. 33)</p>

	<p>With regard to education, the ICESCR Committee recognizes the right of disabled children to be educated within the mainstream system. To this end appropriate training of teachers is necessary as well as provision of necessary equipment and support (para. 35).</p> <p>With regard to health, the ICESCR Committee reaffirms that persons with disabilities should be provided “with the same level of medical care within the same system as other members of society” (para. 34)</p>
<p><a href="#"><u>General Comment of the Committee on Economic, Social and Cultural Rights No. 4 (1991): The Right to Adequate Housing</u></a></p>	<p>Article 11(1) of the ICESCR provides that States parties “recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions”. The ICESCR Committee points out that the meaning of ‘adequate’ includes that the housing is in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities and that it is accessible. Further, the ICESCR Committee underlines that this right should not be interpreted narrowly “as merely having a roof over one’s head” but should be seen as “the right to live somewhere in security, peace and dignity” (para. 7).</p>
<p><a href="#"><u>UN International Covenant on Civil and Political Rights (‘the ICCPR’)</u></a></p>	
<p>Covers a number of civil and political rights, including the right to life (Article 6), the right to freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 7), right to liberty and security (Article 9), the right to marry and found a family (Article 23), right to take part in the conduct of public affairs and to vote (Article 25), and the right to equality before the law (Article 26).</p>	
<p><a href="#"><u>General Comment of the Human Rights Committee No 18 (1989): Non-discrimination</u></a> (p. 195)</p>	<p>The Human Rights Committee points out that Article 26 of the Covenant “prohibits discrimination in law or in fact in any field regulated and protected by public authorities” and therefore the principle of non-discrimination should be applied to all legislation adopted by the state parties, not only to the rights provided for in the ICCPR (para. 12). In addition, the ICCPR Committee states that the principle of equality, a key principle relating to the protection of human rights, “sometimes requires States Parties to take affirmative action in order to diminish or eliminate conditions which cause or help to perpetuate discrimination prohibited by the Covenant” (para. 10). Such action may involve granting preferential treatment in specific matters to part of the population. This is seen as a legitimate action “as long as it is needed to correct discrimination in fact”.</p>

<p><b><u><a href="#">General Comment of the Human Rights Committee No 19 (1990): Article 23 of the International Covenant on Civil and Political Rights (Protection of the family, the right to marry and the equality of spouses)</a></u></b> (p. 198)</p>	<p>Article 23 reaffirms the right of men and women of marriageable age to marry and to found a family. Of particular relevance for people with disabilities is the requirement for States Parties to indicate in their reports “whether there are restrictions or impediments to the exercise of the right to marry based on special factors such as degree of kinship or mental incapacity” (para. 4). The Human Rights Committee also states that the right to found a family “implies, in principle, the possibility to procreate and live together” and encourages States parties to ensure that their family planning policies are compatible with the provisions of the Covenant and are not discriminatory or compulsory (para. 5).</p>
<p><b><u><a href="#">General comment of the Human Rights Committee No 20 (1992): Article 7 of the International Covenant on Civil and Political Rights (Prohibition of torture or other cruel, inhuman or degrading treatment or punishment)</a></u></b> (p.200)</p>	<p>The Human Rights Committee clarifies the aim of the provisions of Article 7 of the Covenant, which is “to protect both the dignity and the physical and mental integrity of the individual” (para. 2). Everyone should be protected against cruel, inhuman or degrading treatment or punishment, “whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity” (para. 2).</p> <p>With regard to the prohibition of the medical or scientific experiments without the free consent of the person concerned, the Human Rights Committee underlines that special protection is necessary “in the case of persons not capable of giving valid consent, and in particular those under any form of detention or imprisonment” (para. 7).</p>
<p><b><u><a href="#">General Comment of the Human Rights Committee No 25 (1996): Article 25 of the International Covenant on Civil and Political Rights (Participation in public affairs and the right to vote)</a></u></b> (p.217)</p>	<p>Article 25 of the ICCPR recognizes the right of individuals to “take part in the conduct of public affairs”, to vote and to have equal access to public service. The Human Rights Committee states that physical disability cannot be a legitimate ground for restricting the right to vote, neither could intellectual disability be a ground for denying person the right to vote or to hold office (para.10 and 4). These rights could be restricted only if there is established mental incapacity.</p> <p>The Human Rights Committee highlights that “[s]tates must take effective measures to ensure that all persons entitled to vote are able to exercise that right” (para. 11) and urges states to take positive measures to overcome specific difficulties, such as illiteracy, language barrier, and poverty (para. 12). It also points out that people providing assistance to voters with disabilities should be neutral (para. 20).</p>

## UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities

The Standard Rules are not legally binding; however, they can be used as an instrument for policy-making. They call on the states to remove barriers to equal participation and to involve organisations of persons with disabilities in this process. The Rules identify the following areas as priority for reform: accessibility (Rule 5), education (Rule 6), employment (Rule 7), income maintenance and social security (Rule 8), family life and personal integrity (Rule 9), culture (Rule 10), recreation and sports (Rule 11), and religion (Rule 12). The preconditions for equal participation include: awareness-raising in society “about persons with disabilities, their rights, their needs, their potential and their contribution” (Rule 1); multidisciplinary medical care (Rule 2); adequate rehabilitation and support services (Rules 3 and 4).

## 2. Council of Europe Human Right Standards

### European Convention on Human Rights

Sets out a range of civil and political rights, such as freedom from torture or inhuman or degrading treatment or punishment (Article 3), the right to liberty and security (Article 5), the right to private and family life (Article 8), and the right to marry and found a family (Article 12). In addition, Article 14 of the Convention provides that enjoyment of the rights safeguarded in the Convention shall be secured without discrimination on any ground.

#### **European Court of Human Rights**

[Lashin v Russia, application No 33117/02, 2013](#)

The applicant had been deprived of legal capacity and put under guardianship, which under the Russian law meant that he automatically lost his right to marry. The Court found that his incapacity status violated Article 8 of the Convention (The right to marry and found a family). It emphasised the far-reaching consequences of the plenary guardianship system, in which “the inability to marry was one of many legal consequences of his incapacity status” due to the “deficiencies in the domestic decision-making process and the rigidity of the Russian law on incapacity” (para. 124).

#### **European Court of Human Rights**

[Stanev v. Bulgaria, application No. 36760/06, 2012](#)

The applicant had been deprived of legal capacity and placed in a social care home, which he was not permitted to leave. He had no access to a court to seek release from guardianship.

The Court found that the applicant was detained in a social care institution, in violation of Article 5 (The right to liberty) of the Convention. In addition, the Court held that he was subjected to degrading treatment in violation of Article 3 of the Convention by being forced to live for more than seven years in unsanitary and unsuitable

	conditions.
<b>European Court of Human Rights</b> <a href="#">Bureš v. The Czech Republic, application No 37679/08, 2012</a>	<p>The case concerned a man who had been hospitalized after he overdosed on medication prescribed by his psychiatrist and was strapped to a bed for several hours. The Court found that “the application of restraining belts on the applicant was a wilful act constituting inhuman and degrading treatment” violating Article 3 of the Convention (para. 132). The Court stated that “using restraints is a serious measure which must always be justified by preventing imminent harm to the patient or the surroundings and must be proportionate to such an aim. Mere restlessness cannot therefore justify strapping a person to a bed for almost two hours”.</p>
<b>European Court of Human Rights</b> <a href="#">Kiss v Hungary, application No 38832/06, 2010</a>	<p>The applicant in this case had been placed under partial guardianship which, under the Hungarian Constitution, meant that he was not allowed to vote.</p> <p>The Court held that there was a breach of Article 3 of the Convention, which provides for free elections and includes the right to vote. It stated that “an indiscriminate removal of voting rights, without an individualised judicial evaluation and solely based on a mental disability necessitating partial guardianship, cannot be considered compatible with the legitimate grounds for restricting the right to vote” (para. 44).</p>
<b>European Court of Human Rights</b> <a href="#">Glor v. Switzerland, application No. 13444/04, 2009</a>	<p>The applicant had been found unfit for military service on the ground of disability and required to pay exemption tax.</p> <p>The court found that there has been a violation of the right to non-discrimination (Article 14) on the basis of disability. In its judgment, the Court reiterated that Article 14 contains a non-exhaustive list of prohibited grounds, noting that the scope of this provision also encompasses discrimination based on disability. It also pointed out that there was “a European and worldwide consensus on the need to protect people with disabilities from discriminatory treatment” (para. 53).</p>
<b>European Court of Human Rights</b> <a href="#">Shtukaturov v. Russia, application No. 44009/05, 2008</a>	<p>The case concerned a man who had been deprived of legal capacity and placed in a psychiatric hospital on the authority of his guardian.</p> <p>The Court held that the full deprivation of his legal capacity has violated applicant’s right to respect for family and private life (Article 8). In addition, his confinement in a psychiatric hospital has violated his right to liberty and</p>



	<p>security (Article 5). The Court held that the applicant had been detained because he was “confined to hospital for several months, he was not free to leave and his contacts with the world were seriously restricted”.</p>
<p><b>European Court of Human Rights</b>  <a href="#">H.L. v. The United Kingdom, application No. 45508/99, 2005</a></p>	<p>The case concerned a man who lacked capacity to consent to, or to refuse, medical treatment. He was admitted to a hospital and retained there against the wishes of his carers.</p> <p>The Court found that the applicant was deprived of his liberty in violation of Article 5 of the Convention. It pointed out that “the applicant was under continuous supervision and control and was not free to leave” (para. 91), noting that whether the hospital ward was treated as ‘locked’ or ‘lockable’ was indeterminate (para. 92). Furthermore, the absence of procedural safeguards failed to protect against arbitrary deprivations of liberty on grounds of necessity – “as a result of the lack of procedural regulation and limits, the hospital’s health care professionals assumed full control of the liberty and treatment of a vulnerable incapacitated individual solely on the basis of their own clinical assessments completed as and when they considered fit” (para. 121).</p>
<p><b>European Court of Human Rights</b>  <a href="#">Kutzner v. Germany, application No. 46544/99, 2002</a></p>	<p>The case concerned the removal of children from their parents.</p> <p>The Court looked at additional support that should be provided to people with disabilities to be able to care for their children. It found that the removal of the children of parents with mild intellectual disabilities violated Article 8 (the right to respect for private and family life) because there were insufficient reasons for such a “serious interference” in the parents’ family life. Importantly, the Court considered the act of separating children from their parents to be the “most extreme measure”.</p>
<p><b><a href="#">European Social Charter (Revised)</a></b></p>	
<p>The ESC provides a range of rights relevant to the development of a strategy for people with disabilities, such as the right to protection of health (Article 11), the right to social security (Article 12), the right to protection against poverty and social exclusion (Article 30) and the right to housing (Article 31). Article 15 emphasises the right of persons with disabilities to independence, social integration and participation in the life of the community and requires state parties to develop the necessary measures to achieve this right. This involves ensuring access to education and employment as well as measures “aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure”.</p>	

### 3. Council of Europe Legal and Policy Framework

Document	Relevance to the strategy
<a href="#"><u>Council of Europe disability action plan 2006-2015</u></a>	<p>The disability action plan calls on member states to improve the accessibility by implementing accessible transport policies, by applying the principle of universal design, thus avoiding the creation of new barriers, and by making information and communication systems more accessible (Action lines 3, 6 and 7). It encourages member states to promote the employment of persons with disabilities within the open labour market by combining anti-discrimination and positive measures and to ensure that persons with disabilities have equal access to education (Action lines 4 and 5). In order to enable persons with disabilities to live in the community the states have to develop a range of quality community services, including personal assistance and adopt housing policies promoting independent living (Action line 8). Persons with disabilities should also have equal access to health care and social protection (Action lines 10 and 11). Equality of persons with disabilities could be promoted by setting up of specific legislative measures, bodies, reporting procedures and redress mechanisms, which will provide protection against discrimination (Action line 12).</p>
<a href="#"><u>Recommendation CM/Rec(2012)6 of the Committee of Ministers to member States on the protection and promotion of the rights of women and girls with disabilities</u></a>	<p>The Recommendation calls on the member states to “adopt the appropriate legislative measures and conduct other positive actions likely to encourage the participation of women and girls with disabilities in all areas of life as citizens holding equal rights and obligations”. In addition to promoting participation in political social and cultural life, ensuring legal protection against discrimination and equal access to education, employment and health care, the states are encouraged to guarantee the sexual and reproductive rights of women and their right to be mothers and to raise their children. It explicitly states that the choice of women with disabilities to become mothers should be respected and that disability “should never be used as a justification for separating boys or girls from their mothers with disabilities” (para. 8). In addition, the Recommendation calls on the states to take effective measures to combat violence against women and girls with disabilities, in their home or outside, including in institutions (para. 9).</p>
<a href="#"><u>Recommendation CM/Rec(2011)14 of the Committee of</u></a>	<p>The Committee underlines the importance of accessibility of built environment, goods and services, information and communication, and voting procedures, ballots and</p>



<p><a href="#"><u>Ministers to member states on the participation of persons with disabilities in political and public life</u></a></p>	<p>facilities for the participation of persons with disabilities in political and public life. It urges member states to make support available to persons who may need assistance in exercising their legal capacity and states that “[a]ll persons with disabilities... have the right to vote on the same basis as other citizens, and should not be deprived of this right by any law limiting their legal capacity, by any judicial or other decision or by any other measure based on their disability, cognitive functioning or perceived capacity” (rec. 3).</p>
<p><a href="#"><u>Recommendation CM/Rec(2009)6 of the Committee of Ministers to member states on ageing and disability in the 21st century: sustainable frameworks to enable greater quality of life in an inclusive society</u></a></p>	<p>The Committee invites member states to promote autonomy and independent and active life of ageing and older people with disabilities by, among other things, ensuring that living arrangements take account of individual’s wishes and needs, that there are adequate social protection measures in place, and that housing, public buildings and transport are fully accessible (rec. 1, 1.4., 1.13.). The states are also encouraged to enhance the quality of services, which means that “...services should be provided in a person’s home or community environment, rather than in a residential institution, and as close to a person’s home as possible” (rec. 2.3.). Furthermore, different services need to be carefully coordinated and “[i]ndependent advisers should be available to enable people to cope with the complexity of services and direct them to appropriate resources, both services and professionals” (rec. 2.5). Quality is also enhanced when services are individualised (rec. 2.12.).</p>
<p><a href="#"><u>Recommendation CM/Rec(2009)8 of the Committee of Ministers to member states on achieving full participation through Universal Design</u></a></p>	<p>The Committee calls on the member states to “accept Universal Design as a philosophy and strategy supporting implementation of full citizenship and independent living of all people, including people with disabilities”. Universal design is defined as a “strategy which aims to make the design and composition of different environments, products, communication, information technology and services accessible and understandable to, as well as usable by, everyone, to the greatest extent in the most independent and natural manner possible, preferably without the need for adaptation or specialised solutions”.</p>
<p><a href="#"><u>Recommendation Rec(2004)10 of the Committee of Ministers to member states concerning the protection of the human rights and</u></a></p>	<p>The aim of the Recommendation is “to enhance the protection of the dignity, human rights and fundamental freedoms of persons with mental disorder, in particular those who are subject to involuntary placement or involuntary treatment” (Article 1). It calls the states to take on measure to eliminate any form of discrimination on the ground of mental disorder (Article 3), to ensure that there are mechanisms to protect vulnerable persons with</p>

<p><a href="#"><u>dignity of persons with mental disorder</u></a></p>	<p>mental disorder (Article 7). It urges member states to take measures to ensure that there is a range of quality services to meet the mental health needs of persons with mental disabilities and to make alternatives to involuntary placement and treatment widely available. The Recommendation also sets out the principles, criteria and procedures for involuntary placement and treatment.</p>
<p><a href="#"><u>Recommendation Rec(2003)19 of the Committee of Ministers to member states on improving access to social rights</u></a></p>	<p>The Committee invites member states to draw up and implement policies aimed at improving access to social rights, based on the principles of non-discrimination, partnership, quality and transparency, to set up appropriate social services with adequate human and financial resources, to develop services geared to users' needs, giving priority to integrated approaches, to ensure the quality of reception of users in social service offices, and to ensure that policies on access to social rights are monitored and evaluated.</p>
<p><a href="#"><u>Recommendation CM/Rec(2009)3 of the Committee of Ministers to member states on monitoring the protection of human rights and dignity of persons with mental disorder</u></a></p>	<p>The Recommendation provides examples of measures and indicators to assist member states in the development of monitoring tools to assess their degree of compliance with 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. It covers the following areas: non-discrimination, civil and political rights, promotion of physical and mental health, protection of vulnerable persons, quality of living conditions, services and treatment, least restrictive alternative, quality of the legal framework, and the rights and needs of people close to persons with mental disabilities.</p>
<p><a href="#"><u>Parliamentary Assembly Resolution 1642(2009), Access to rights for people with disabilities and their full and active participation in society</u></a></p>	<p>The Resolution invites member states to couple the fight against discrimination with positive measures in a number of key areas, such as legal capacity, employment, education, community living, and accessibility. It underlines that persons with disabilities should retain their legal capacity and that their right to make decisions should not be limited or substituted by others (para. 7). With regard to community living, the Assembly urges member states to “commit themselves to the process of deinstitutionalisation by reorganising services and reallocating resources from institutions to community-based services” (para. 8.1).</p>
<p><a href="#"><u>Issue paper of the Council of Europe Human Rights Commissioner,</u></a></p>	<p>The paper clarifies what constitutes implementation of the right to live in community (Article 19 of the CRPD). The Commissioner points out that the full inclusion in the community has three elements: (1) choice, (2)</p>

<p><a href="#"><u>CommDH/IssuePaper(2012)3, The right of people with disabilities to live independently and be included in the community</u></a></p>	<p>individualised support, and (3) inclusive community services. The institutionalisation of persons with disabilities, the failure to make public services accessible to persons with disabilities and the failure to provide individualised community based services constitute violations of the right to community living because they lead to isolation of persons with disabilities.</p> <p>The paper also sets out indicators for monitoring the implementation of the right to live in the community.</p>
<p><a href="#"><u>Issue paper of the Council of Europe Human Rights Commissioner, CommDH/IssuePaper(2012)2, Right to legal capacity for persons with intellectual and psychosocial disabilities</u></a></p>	<p>The Commissioner calls on the states to abolish mechanisms providing for full incapacitation and plenary guardianship and to stop placement of persons in closed wards and social care homes without their consent. He further recommends the development of supported decision-making alternatives and the establishment of ‘robust safeguards’ to ensure that the support provided is free from conflict of interest and subject to regular judicial review. States are also encouraged to create “legal obligations for governmental and local authorities, judiciary, health care, financial, insurance and other service providers to provide reasonable accommodation to persons with disabilities who wish to access their services”, for example by providing information in plain language and by accepting support persons.</p>

#### 4. European Union Legal and Policy Framework

Document	Relevance to the strategy
<p><a href="#"><u>Treaty of the Functioning of the European Union</u></a></p>	<p>Article 9 of the Treaty states that in defining and implementing its policies and activities the Union shall take into account a number of requirements, including “adequate social protection” and “fight against social exclusion”. The Treaty also requires the EU to combat discrimination based on disability, among other grounds, when defining and implementing its policies and activities (Article 10) and gives it the power to take appropriate actions to address such discrimination (Article 19).</p>
<p><a href="#"><u>Charter of Fundamental Rights of the European Union</u></a></p>	<p>The Charter prohibits discrimination on the ground of disability (Article 21). It reaffirms the right of persons with disability to participate in society stating that “[t]he Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration</p>

	and participation in the life of the community” (Article 26).
<a href="#"><u>Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation</u></a>	The Directive lays down a general framework for equal treatment in employment and occupation. It prohibits any discrimination, direct or indirect, in the field of employment, vocational training, pay and working conditions and membership in organisations of workers or employers on several grounds, including disability. Furthermore, the Directive contains an article on reasonable accommodation which links the equality of treatment in occupation with the provision of reasonable accommodation (Article 5). Reasonable accommodation means that “employers shall take appropriate measures, where needed in a particular case, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer”.
<a href="#"><u>European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe</u></a>	The Strategy presents a framework for action at the European Union level in support of national activities. The overall aim of this Strategy is “to empower people with disabilities so that they can enjoy their full rights, and benefit fully from participating in society and in the European economy”. It identifies eight main areas for action: accessibility, participation, equality, employment, education and training, social protection, health and external action.
<a href="#"><u>Europe 2020</u></a>	<p>One of the goals of the EU 2020 Strategy is to reduce the number of people living in poverty and social exclusion in the EU by 20 million. To achieve this target, the European Commission established the European Platform against Poverty and Social Exclusion as one of its flagship initiatives. It aims to ensure that “people experiencing poverty and social exclusion are enabled to live in dignity and take an active part in society”. The Commission recognizes that the fight against poverty and social exclusion needs to rely on employment and social protection and points out that innovative social protection interventions have to be combined with a wide range of social policies, including education, social care, housing, health, and family policies.</p> <p>The goals of the EU 2020 Strategy in the area of employment (to bring to 75% the employment rate for women and men aged 20-64) and education (to reduce school drop-out rates below 10% and to have at least</p>

	40% of 30-34-year-olds completing third level education) are also relevant to persons with disabilities.
<a href="#"><u>Education and Training 2020</u></a>	Education and Training 2020 is the strategic framework for European cooperation in Education and training. One of its main objectives is to promote equity, social cohesion and active citizenship (Strategic objective 3). The document emphasises the need to address educational disadvantages by, among other things, promoting inclusive education and ensuring that all learners, including those with special needs, complete their education. Inclusive education and personalised learning should be promoted through “timely support, early identification of special needs and well-coordinated services”. They require as well removal of barriers to education and training and provision of adequate training and support for teachers.
<a href="#"><u>European Parliament Resolution of 4 July 2013 Impact of the crisis on access to care for vulnerable groups</u></a>	The European Parliament expresses its concerns that persons with disabilities across the EU “are being disproportionately affected by cuts in public spending, as a result of which they are losing the support services which allow them to live independently in the community” (para. 14). It goes on to state that “this is leading to an increase in the number of people living in long-term institutional care and the further social exclusion of persons with disabilities in the EU, which is in direct violation of the EU’s commitments under the UN Convention on the Rights of Persons with Disabilities and the European Disability Strategy 2010-2020” (para. 15). The Parliament calls on the member states to remove barriers regarding the access of persons with disabilities to public transport, services and information and to develop community-based services for children with disabilities (para. 37 and 38).
<a href="#"><u>European Parliament Resolution of 25 October 2011 on mobility and inclusion of people with disabilities and the European Disability Strategy 2010-2020</u></a>	The document seeks to promote equal opportunities for persons with disabilities reaffirming the need to ensure that they have “universal, effective, non-discriminatory access” to social protection, health care and education, and to services available to the general population, such as housing, information, culture and leisure, transportation, etc. (para. 44). Furthermore, it underlines the importance of inclusive education (para. 59) stating that “all children, including those with disabilities, need to be guaranteed the right to universal access to all sectors and levels of education in all institutions” (para. 60). The European Parliament also calls on the member states “to avoid unjustified cuts in social protection for people with disabilities under the austerity policies

	introduced in response to the economic crisis, since it is necessary to ensure an acceptable standard of living for them as an inalienable right” (para. 79).
<a href="#"><u>European Parliament resolution of 24 April 2009 on the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol P6_TA(2009)0334</u></a>	The Parliament calls on the member states to ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol in order to give “persons with disabilities whose rights have been violated any possibility to fight such violation and to ensure their protection against all forms of discrimination” (para. 4). It urges the states to ensure access for individuals and organisations of persons with disabilities to information about their rights under the Convention and the Optional Protocol. It also calls on member states to designate focal point(s) for monitoring the implementation of the Convention.
<a href="#"><u>European Parliament Resolution of 26 April 2007 on the situation of women with disabilities in the European Union (2006/2277(INI))</u></a>	The Parliament calls on member states to remove existing barriers and obstacles in order to ensure equal rights and opportunities for women and girls with disabilities to participate in the community. This could be achieved through better implementation of Community anti-discrimination and gender-equality legislation and better use of the opportunities provided by relevant Community programmes and the European Social Fund (para. 1). Noting that women with disabilities are three times as likely to become victims of violence as women without disabilities, the Resolution calls on the member states “to put in place effective legislation and policies focusing on women and children which will ensure that instances of exploitation, violence against and sexual abuse of persons with disabilities — within their places of residence and elsewhere — are identified and investigated and, where appropriate, lead to prosecution” (para. 5).
<a href="#"><u>Resolution of the Council of the European Union and the Representatives of the Governments of the Member States, meeting within the Council, on a new European disability framework (2010/C 316/01)</u></a>	The Council invites the member states to promote inclusive education at all levels, which requires: development of relevant policies, provision of necessary resources (economic, human, educational, technical and technological) to all citizens and adequate teacher training (para. 28). With regard to employment and social issues it invites member states to: establish general framework for equal treatment in employment, to promote labour market participation and vocational training of persons with disabilities and to give priority to community-based services which promote the personal autonomy of persons with disabilities and their families.
<a href="#"><u>Resolution of the</u></a>	The Council of the European Union calls on the member



<p><a href="#"><u><b>Council of the European Union and the representatives of the Governments of the Member States, meeting within the Council of 17 March 2008 on the situation of persons with disabilities in the European Union (2008/C 75/01)</b></u></a></p>	<p>states to ensure that persons with disabilities can enjoy their human rights in full by taking measures to facilitate independent living and inclusion of persons with disabilities in the community, by providing them with access to quality care and support services and by supporting the process of transition from institutional care to community-based support services. It further underlines the importance of ensuring access to education, employment, and mainstream goods, services and infrastructure as a precondition for autonomy, inclusion and participation. Labour market participation could be enhanced “through the combination of flexible employment schemes, supported employment, social economy, active inclusion and positive measures like support services, wage subsidies, workplace adaptations, the use of assistive technologies and personal assistance”.</p>
<p><a href="#"><u><b>Council Resolution of 15 July 2003 on promoting the employment and social integration of people with disabilities (2003/C 175/01)</b></u></a></p>	<p>The Council of the European Union calls on the member states “to promote the full integration and participation of people with disabilities in all aspects of society, recognising that they have equal rights with other citizens” (ii). It stresses that the efforts to remove the barriers to participation in labour market, education and social life also should be continued and encourages the promotion of design for all. The Council also calls on the member states to “reinforce the mainstreaming of the disability perspective into all relevant policies at the stages of policy formulation, implementation, monitoring and evaluation” (xiii).</p>
<p><a href="#"><u><b>Council Resolution of 6 May 2003 on accessibility of cultural infrastructure and cultural activities for people with disabilities (2003/C 134/05)</b></u></a></p>	<p>The Council of the European Union invites the member states to improve the access of persons with disabilities to culture by: improving physical access to places of cultural activities, monuments, museums and archaeological sites, provision of information and enhancing access to cultural activities through subtitled performances, use of easy-to-read and sign language, guides and catalogues in Braille, use of contrasts of light in exhibitions, etc. (iii).</p>
<p><a href="#"><u><b>Council Resolution of 5 May 2003 on equal opportunities for pupils and students with disabilities in education and training (2003/C 134/04)</b></u></a></p>	<p>The Council invites the member states to “encourage and support the full integration of children and young people with special needs in society through their appropriate education and training, and their insertion in a school system which is [...] adapted to their needs” (i). It urges states to increase the provision of support services and technical assistance to pupils and students with special education and training needs and to ensure that teachers receive initial and in-service training in the area of special</p>

	needs.
<a href="#"><u>Council Resolution on 6 February 2003 'eAccessibility' — improving the access of people with disabilities to the knowledge based society (2003/C 39/03)</u></a>	The Council calls on member states to “encourage and empower people with disabilities to take more control over the development of the mechanisms for delivering eAccessibility by support for their increased participation in: (a) technology programmes and projects; (b) standardisation bodies and technical committees; (c) committees looking at legislative and/or persuasive measures and education, training and empowerment initiatives” (I (4)). Member states have to ensure that the use of ICT in education does not create new barriers for persons with disabilities.
<a href="#"><u>Improving quality and productivity at work: Community strategy 2007-2012 on health and safety at work (COM(2007) 62 final)</u></a>	The Strategy promotes the reintegration of workers with disabilities. It encourages member states “to incorporate into their national strategies specific measures (financial assistance, training tailored to individual needs, etc.) to improve the rehabilitation and reintegration of workers excluded from the workplace for a long period of time because of an accident at work, an occupational illness or a disability” (p. 10).
<a href="#"><u>Opinion of the European Economic and Social Committee on Equal opportunities for people with disabilities (2007/C 93/08)</u></a>	The Committee highlights the importance of community living of persons with disabilities and urges the states to set up high quality community-based alternatives to residential institutions where currently persons with disabilities live segregated from the community, sometimes in inhuman or undignified conditions (para 2.4., 2.13). Development of social services and personal assistance is central to community living for persons with disabilities (para. 2.13). The Committee also points to the significant disparities in employment between disabled and non-disabled persons and the difficulties faced by persons with disabilities in gaining access to education and calls for measure to create a barrier free environment. It notes that the EU Structural Funds could contribute to inclusion “provided that due account is thereby taken of the principles of non-discrimination and accessibility for people with disabilities” (para. 3.3.4).
<a href="#"><u>European Parliament Council Commission Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European</u></a>	<p>The first part of the European consensus on development sets out common objectives and principles for development cooperation. It reaffirms EU commitment to poverty eradication, ownership, partnership, delivering more and better aid and promoting policy coherence for development.</p> <p>The second part sets out the renewed European Community Development Policy, which implements the</p>



<p><a href="#"><u>Parliament and the Commission on European Union Development Policy: 'The European Consensus' (2006/C 46/01) – the European Consensus on Development</u></a></p>	<p>European vision on development set out in the first part for the resources entrusted to the Community, in accordance with the Treaty. It clarifies the Community's role and added value and how the objectives, principles, values, policy coherence for development and commitments defined in this common vision will be made operational at Community level. It identifies priorities which will be reflected in effective and coherent development cooperation programmes at the level of countries and regions.</p>
<p><a href="#"><u>Council of the European Union, EU Common Position for the Fourth High Level Forum on Aid Effectiveness (Busan, 29 November – 1 December 2011) - Council conclusions - 3124th FOREIGN AFFAIRS Development Council meeting Brussels, 14 November 2011</u></a></p>	<p>With this Position, the European Council aims to contribute to better quality of aid and increased impact of development financing from all sources. The overall objective is to accelerate the achievement of the Millennium Development Goals and contribute to the establishment of the post-2015 development architecture. This document sets out the detailed elements on the Common EU Position on Development.</p>
<p><a href="#"><u>Regulation No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime</u></a></p>	<p>These regulations identify a number of strategic objectives to be supported by the EU funds, including promoting employment and supporting labour mobility; promoting social inclusion, combating poverty and any discrimination; investing in education, training and vocational training for skills and lifelong learning, enhancing access to information and communication technologies, etc. (Article 9). In addition, the regulations formulate specific conditions (<i>ex ante</i> conditionalities), which member states have to fulfil in order to ensure the effective use of EU funds. One such thematic condition in the area of social inclusion is the existence of a national strategy for poverty reduction that, inter alia, includes “measures for the shift from residential to community based care”. Another, general conditionality, relates to the effective implementation of the UN Convention on the Rights of Persons with Disabilities and requires as well as implementation of measures to remove barriers to participation and ensure accessibility (in line with Article 9 of the CRPD) as well as institutional arrangements for the implementation and monitoring of the Convention in line with Article 33.</p>

<p><a href="#"><u>and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006</u></a></p>	
<p><a href="#"><u>(Draft) Guidance on Ex Ante Conditionalities for the European Structural and Investment Funds</u></a></p> <p>See also <a href="#"><u>this link</u></a></p>	<p>The purpose of the Guidance (draft) is to provide a framework for the assessment by the Commission of the fulfilment of <i>ex ante</i> conditionalities. It provides useful definitions of the main terms used in the formulation of the criteria for fulfilment of <i>ex ante</i> conditionalities in the area of social inclusion –institutions, community based services, deinstitutionalisation, and measures for the transition from institutional to community-based care. Thus, “community based services” refers to a range of services that enable individuals to live in the community, including accessible mainstream services, such as housing, healthcare, education, employment, culture and leisure, as well as specialised services, such as personal assistance for persons with disabilities (p. 252-253).</p>
<p><a href="#"><u>Regulation No 1304/2013 of the European Parliament and of the Council on the European Social Fund and repealing Council Regulation (EC) No 1081/2006</u></a></p>	<p>In the period 2014-2020 the ESF will target four main thematic objectives, including “promoting social inclusion, combating poverty and any discrimination”, “promoting sustainable and quality employment and supporting labour mobility”, and “investing in education, training and vocational training for skills and lifelong learning”. Each objective is translated into investment priorities. Thus, in the field of social inclusion some of the main investment priorities are: “[e]nhancing access to affordable, sustainable and high-quality services, including health care and social services of general interest”, combating discrimination on all grounds, including disabilities, and “active inclusion” (Article 3(b)). The Commission urges the states “to promote equal opportunities for all”, including accessibility for disabled persons “through mainstreaming the principle of non-discrimination” (Article 8). In the area of employment and education priority is given to ensuring access to employment (Article 3(a)(i)) and to “good quality early-childhood, primary and secondary education” (Article 3(c)(i)).</p>
<p><a href="#"><u>Regulation No 1301/2013 of the European Parliament and of the Council on the European Regional Development Fund and on specific provisions concerning</u></a></p>	<p>One of ERDF’s investment priorities under thematic objective ‘promoting social inclusion, combating poverty and any discrimination’ is “investing in health and social infrastructure which contributes to national, regional and local development, reducing inequalities in terms of health status, promoting [...] the transition from institutional to community-based services” (Article 5(9)(a)). The investment in infrastructure for employment services (Article 5(8)(d)) and in education and training</p>

<p><a href="#"><u>the Investment for growth and jobs goal and repealing Regulation (EC) No 1080/2006</u></a></p>	<p>infrastructure (Article 5(10)) are also priorities. In addition, Article 5(2)(c) identifies “strengthening ICT applications for e-government, e-learning, e-inclusion, e-culture and e-health” as investment priority.</p>
<p><a href="#"><u>Social Investment Package</u></a></p>	<p>Social investment plays a particular role for those people that are disproportionately affected by unemployment, poverty, bad housing and poor health conditions and discrimination. The Social Investment Package is an integrated policy framework providing guidance to the member states on more effective and efficient social policy. It promotes active social inclusion measures which enable the most disadvantaged people to fully participate in society, including the labour market. This involves building inclusive labour market and providing accessible and affordable “enabling services”, such as social assistance services, employment and training services, housing support and social housing, childcare, long-term care services and health services.</p>
<p><a href="#"><u>Proposal for a European Accessibility Act</u></a></p>	<p>The European Commission has decided to put forward a Proposal for a European Accessibility Act aimed at improving the availability of accessible goods and services for persons with disabilities and older people. The Act will address both public authorities that procure goods and services and the manufacturers of goods, distributors, sellers and services providers. It will contribute to the inclusion of people with disabilities by harmonising accessibility requirements across member states, stimulating innovations and improving the free movement of accessible goods and services.</p>

## Annex 3: Additional Publications

Ad Hoc Expert Group, 2009. *Report of the Ad Hoc Expert Group on the Transition from Institutional to Community-based Care*. Available at: [ec.europa.eu/social/BlobServlet?docId=3992&langId=en](http://ec.europa.eu/social/BlobServlet?docId=3992&langId=en)

European Coalition for Community Living (ECCL), 2009, *Focus on Article 19 of the UN Convention on the Rights of Persons with Disabilities* Available at: <http://www.nuigalway.ie/cdlp/documents/ecclfocusreport2009finalweb.pdf>

European Coalition for Community Living (ECCL), 2010 *Wasted Time, Wasted Money, Wasted Lives... A Wasted Opportunity? – A Focus Report on how the current use of Structural Funds perpetuates the social exclusion of disabled people in Central and Eastern Europe by failing to support the transition from institutional care to community-based services*. Available at: <http://www.community-living.info/documents/ECCL-StructuralFundsReport-final-WEB.pdf>

European Expert Group, 2012 *Common European Guidelines on the Transition from Institutional to Community-based Care* (“the Common European Guidelines”) Available at: <http://deinstitutionalisationguide.eu>

European Expert Group, 2012, *Toolkit on the Use of European Union Funds for the Transition from Institutional to Community-based Care* Available at: <http://deinstitutionalisationguide.eu>

Mansell, Jim et al. 2007. *Deinstitutionalisation and community living – outcomes and costs: report of a European Study*. Volume 2: Main Report (“the DECLOC report”) Available at: [http://www.kent.ac.uk/tizard/research/DECL\\_network/documents/DECLOC\\_Volume\\_2\\_Report\\_for\\_Web.pdf](http://www.kent.ac.uk/tizard/research/DECL_network/documents/DECLOC_Volume_2_Report_for_Web.pdf)

Office of the High Commissioner for Human Rights (OHCHR), 2011 *Forgotten Europeans – Forgotten Rights: The Human Rights of Persons Placed in Institutions*. Available at: [http://www.europe.ohchr.org/Documents/Publications/Forgotten\\_Europeans.pdf](http://www.europe.ohchr.org/Documents/Publications/Forgotten_Europeans.pdf)

Office of the High Commissioner for Human Rights (OHCHR) 2012 *Getting a Life – Living Independently and Being Included in the Community* Available at: [http://www.europe.ohchr.org/documents/Publications/getting\\_a\\_life.pdf](http://www.europe.ohchr.org/documents/Publications/getting_a_life.pdf)

Open Society Foundations (OSF), 2011, *A Community for All: Implementing Article 19, A Guide for Monitoring Progress on the Implementation of Article 19 of the Convention on the Rights of Persons with Disabilities*. Available at: <http://www.opensocietyfoundations.org/sites/default/files/community-for-all-guide-20111202.pdf>

Open Society Foundations (OSF), 2012, *The European Union and the Right to Community Living – Structural Funds and the European Union’s Obligations under the Convention on the Rights of Persons with Disabilities*. Available at: <http://www.opensocietyfoundations.org/sites/default/files/europe-community-living-20120507.pdf>

United Nations *From Exclusion to Equality – Realizing the rights of persons with disabilities – Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities and its Optional Protocol*, 2007. Available at:  
<http://www.un.org/disabilities/documents/toolaction/ipuhb.pdf>

World Health Organisation (WHO), 2010, European Declaration on the Health of Children and Young People with Intellectual Disabilities and their Families, EUR/51298/17/6. Available at:  
[http://www.euro.who.int/\\_data/assets/pdf\\_file/0015/121263/e94506.pdf](http://www.euro.who.int/_data/assets/pdf_file/0015/121263/e94506.pdf)

**Links to examples of national disability strategies:**

- **WHO MiNDbank - Disability Strategies and Plans:**  
[http://www.mindbank.info/collection/type/disability\\_strategies\\_and\\_plans](http://www.mindbank.info/collection/type/disability_strategies_and_plans)

## Annex 4: Definitions

- **“Persons with disabilities”**: are defined as “including those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. (Article 1, CRPD)
- **“Accessibility”**: is defined as “meaning that people with disabilities have access, on an equal basis with others, to the physical environment, transportation, information and communications technologies and systems (ICT), and other facilities and services.” (EU Disability Strategy)
- **“Community-based services”**: are defined as “...the spectrum of services that enable individuals to live in the community and, in the case of children, to grow up in a family environment as opposed to institutions. It encompasses mainstream services such as housing, healthcare, education, employment, culture and leisure, which should be accessible to everyone regardless of the nature of their impairment or the required level of support. It also refers to specialised services, such as personal assistance for persons with disabilities.” (Draft Guidance on Ex Ante Conditionalities for the European Structural and Investment Funds)
- **“Institution”**: is defined as “residential care where: residents are isolated from the broader community and/or compelled to live together; residents do not have sufficient control over their lives and over decisions which affect them and the requirements of the organisation itself tend to take precedent over the residents’ individualised needs.” (Draft Guidance on Ex Ante Conditionalities for the European Structural and Investment Funds)
- **“Independent living”**: is defined as including “the opportunity to make choices and decisions regarding where to live, with whom to live and how to live. Services must be accessible to all and provided on the basis of equal opportunity, allowing disabled people flexibility in our daily life [...] Independent Living is for all disabled persons, no matter the level of support need.” ([European Network on Independent Living Key Definitions](#))