



European Economic and Social Committee

SOC/249
Equal opportunities for
people with disabilities

Brussels, 17 January 2007

OPINION
of the
European Economic and Social Committee
on
Equal opportunities for people with disabilities
(Exploratory opinion)

On 24 May 2006, the Austrian presidency decided to consult the European Economic and Social Committee under Article 262 of the Treaty establishing the European Community on

Equal opportunities for people with disabilities
(exploratory opinion).

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 19 December 2006. The rapporteur was Mr Joost.

At its 432nd plenary session, held on 17 and 18 January 2007 (meeting of 17 January 2007), the European Economic and Social Committee adopted the following opinion by 151 votes, with one vote against and with one abstention:

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1. Introduction

- 1.1 The European Economic and Social Committee (EESC) welcomes the Austrian presidency's request to draw up an opinion on *equal opportunities for people with disabilities*. Promoting equal opportunities for people with disabilities must be seen as an ongoing process that should feature high on the work programme of every EU Council presidency.
- 1.2 With the current opinion the EESC wants to look ahead and start outlining the challenges that the Commission will have to face on the disability front during the second half of its current mandate and even beyond. The present opinion should also be framed in the wider context of the identification of priorities for the last phase of the Disability Action Plan (2008-2009), as well as the re-opening of the budgetary discussions (with its subsequent impact on programming and priority definition) in two years time.
- 1.3 People with disabilities make up 15% of the total population – a figure that is rising as the population ages. This means that, in the enlarged EU, more than 50 million people are currently living with disabilities¹. They therefore represent a very significant share of EU citizens and providing them with equal opportunities is a social, ethical and political imperative, which should be at the top of the EU's agenda. Furthermore, there is a clear

¹ According to Eurostat figures for 2002, 44.6 million people in the 16-64 age group – i.e. one in six (15.7%) – stated that they had a long-standing health problem or disability (LSHPD).

business case for the integration of people with disabilities and for making services and goods fully accessible to them.

- 1.4 In efforts to secure equal opportunities for people with disabilities, the EESC considers it vital to draw fully on all the activities planned under the European Year of Equal Opportunities for All in 2007. Disability associations must also be involved in these activities, as they were during the European Year of People with Disabilities in 2003. Furthermore next year should be the opportunity for the European Union and Member States to reinforce policies and legislation promoting equal opportunities for disabled people.
- 1.5 People with disabilities do not form a homogeneous group. There are different needs for different disabilities, which can only be accommodated if society recognises the requirements of people with disabilities and has as comprehensive a range of relevant information at its disposal as possible. The disability movement plays a key role in this regard.
- 1.6 In the European Union there is a significant number of people with disabilities who are excluded from full participation and inclusion in society and from exercising fundamental human and civil rights. Full inclusion of disabled children should be highlighted.
- 1.7 The EESC welcomes the UN Convention on the Rights of Persons with Disabilities adopted in December 2006².

2. **Conclusions and recommendations**

- 2.1 The EESC urges that the 2007 European Year of Equal Opportunities for All be put to the fullest possible use in securing equal opportunities for people with disabilities.
- 2.2 The EESC urges the Commission to submit a proposal for comprehensive legislation on disability issues that extends anti-discrimination protection for people with disabilities into areas other than employment and also consolidates the principle of mainstreaming disability policy. Such legislation would ensure a minimum level of protection against discrimination in all areas of life across the EU. As it would cover the area of access to goods and services, it would also contribute to a more efficient single market and to the achievement of the Lisbon Strategy.
- 2.3 The EESC urges the Commission and Member States to go further in focusing on disability – moving from the Disability Action Plan (DAP) to a broad-scale EU strategy for people with disabilities.
- 2.4 The EESC invites Member States and the Commission, within their respective competences, to continue efforts to ensure full inclusion and participation in society of people with

² United Nations Convention on the Rights of Persons with Disabilities, New York, 2006.

disabilities, recognising that they have equal rights vis-à-vis other citizens; to examine possible alternatives to existing institutions where people with disabilities live segregated from the community, sometimes in undignified or inhuman conditions; and progressively to set up such alternatives.

- 2.5 The EESC reiterates the priorities necessary to focus on in order to achieve equal opportunities for people with disabilities: raising awareness of the rights of people with disabilities; disability access to public buildings; access to the information society and to modes of transport; drafting of new national legislation; and support for families, priorities which should exist in every society. It is especially important to focus on children with disabilities and to provide them with appropriate education, integration and support, thus helping them to become more active members of society and reducing their dependence on social security.
- 2.6 The EESC urges the European Commission and the Member States to be prepared to do considerably more to support the disability movement. The philosophy of "Nothing about disabled people without disabled people" can only be enforced if governments realise the need to support the network of disability organisations. In June 2004, just after the last enlargement of the European Union, the national councils of disabled people's non-governmental organisations from the 10 new Member States and Bulgaria and Romania adopted the Budapest resolution³ on that issue.
- 2.7 The EESC calls on the Commission and the Member States to make information available on best practices and effective approaches (such as the Agenda 22 method) so as to involve disability representatives in drawing up local authorities' action plans, thereby also securing equal opportunities for people with disabilities at local level. The EESC calls on the member states to follow the High Level Group on Disability guidelines on mainstreaming disability in different policy areas⁴.
- 2.8 The EESC welcomes the Commission's determination to launch a European Initiative on e-Inclusion in 2008 and calls for it to be as far-reaching and ambitious as possible and a definitive step towards the mainstreaming of e-Accessibility in all relevant EU policies.
- 2.9 At a more concrete level, the EESC calls for the new regulations (currently in discussion) setting out the new electronic communications framework and the TV without frontiers directive to mainstream accessibility in order to make sure that people with disabilities can fully benefit from such important means of communications.

³ See for instance: http://www.eudnet.org/update/online/2004/jun04/edfn_02.htm.

⁴ Discussion Document for the meeting of the High Level Group on Disability, 18–19 March 2004.
Concept paper on "Mainstreaming disability in different policy areas", High Level Group on Disability.

- 2.10 The EESC calls for a strengthening of Directive 2001/85/EC⁵ in order to bring it into line with new EC legislation on the rights of disabled air passengers.
- 2.11 The EESC calls on the Commission and the Member States to devote all necessary efforts and resources to make sure that Council Directive 2000/78/EC⁶, which provides a legal framework for equal treatment in employment, is effectively implemented.
- 2.12 The EESC believes that the transition from institutions for disabled people to high quality, community-based alternatives for everyone is indispensable to allow inclusion and participation of disabled people in the life of society, and calls on the European Commission to include this issue in the future initiatives on social services of general interest, and as a priority for EU structural funds.
- 2.13 The EESC calls on the Commission and Member States to place emphasis on social services and personal assistance for people with disabilities, keeping in mind that supportive services will make it possible for people with disabilities as well as carers to lead a normal life and contribute actively to society.
- 2.14 In the context of the Commission's initiative on "better regulation", the EESC calls for impact assessment in preparation of new draft legislation, taking into account the specificities and needs of people with disabilities. In addition, all ICT tools used to improve the quality, adoption, transposition and enforcement of EU legislation should fully respect accessibility requirements.
- 2.15 Families which include one or more persons with disabilities, have a higher risk of finding themselves in situations of poverty, as disability involves greater family spending, which can amount up to EUR 30 000 per year⁷. This justifies the adoption of positive discrimination measures, such as allowances (in cash or in kind) or tax incentives.
- 2.16 The EESC calls on the Member States to enforce and monitor relevant legislation which influences the equal opportunities for people with disabilities. The EESC notes that directives

⁵ See Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, and amending Directives 70/156/EEC and 97/27/EC.

⁶ See Directive for equal treatment in employment and occupation, 2000/78/EC of 27.11.2000.

⁷ The "Study on the economic inequality of people with disabilities in the city of Barcelona. The overstrain economic effort provoked by disability" carried out by the Local Institute of People with Disabilities of Barcelona City Council in March 2006 has revealed that family spending derived from the disability of any of the members of the family could amount up to EURO 30 000 per year, depending on the social protection level and the type of disability. (<http://w3.bcn.es/fitxers/baccessible/greugecomparatiueconmic.683.pdf>).

on air and rail transportation only apply to international transport, leaving people with disabilities without any accessible means of transportation at regional and local level.

3. Equal opportunities for people with disabilities – taking stock in various fields

3.1 Awareness and education

3.1.1 The awareness and visibility of disability was strongly emphasised during the European Year of People with Disabilities 2003. Enabling real changes in securing equal opportunities for people with disabilities, and information on disability should be incorporated into the provision of education. High quality media coverage of the problems faced by people with disabilities should be seen as an essential means of changing social attitudes to disability; schools and media should both work together in order to achieve this goal.

3.1.2 Without inclusive education provided for disabled children and youth, integration into the labour market would be difficult to achieve. Improving access to education for people with disabilities should become a priority for forthcoming action plans and strategies for people with disabilities.

3.1.3 Although the EESC recognises that progress has been made since the Madrid Declaration and the European Year of People with Disabilities, there is still a long way to go. To cite just one example, over 80% of public websites, including those of the European institutions, are generally not accessible to people with disabilities. Furthermore it is critical that all websites providing services to the general public are also accessible.

3.1.4 The EESC calls in particular for making standards which are agreed by the European standardisation bodies mandatory for public procurement of goods and services, and for legislation on access to ICT goods and services.

3.1.5 The 'Design for All' concept should be promoted among all interested parties i.e. designers, manufacturers, those responsible for devising standards as well as the users themselves, namely people with disabilities, who have the right to a wide choice of goods and services that meet their needs.

3.1.6 The EESC welcomes the Riga Ministerial Declaration on ICT for an inclusive society and it hopes that it will be an important milestone in the e-Inclusion of people with disabilities. ICT, apart from being an important driver of growth and employment, is also a powerful tool for the integration of people with disabilities.

3.1.7 Ahead of the revision of the existing regulations for state aid for the training and employment of people with disabilities, the EESC calls on the Commission to maintain its current approach in the forthcoming block exemption regulation.

3.2 Employment

- 3.2.1 The EESC is aware that, on the employment front, significant disparities remain between disabled and non-disabled people. In 2003, Eurostat confirmed that significantly more people with disabilities are economically inactive: 78% of the severely disabled are outside the labour force as opposed to 27% for those without long-standing health problems or no disability⁸.
- 3.2.2 The EESC welcomes the resolute steps taken by the European Commission to monitor the transposition and implementation of the employment directive⁹. Monitoring should be carried out jointly with the social partners and the non-governmental organisations active in this field. The EESC feels that better monitoring creates better conditions for making workplaces more disability-friendly, creating new jobs suitable for people with disabilities and encouraging the establishment of support services.
- 3.2.3 The EESC hopes for greater involvement by national disability associations in drawing up the reform plans. The revised Lisbon agenda requires broader civil society involvement in order to achieve the planned objectives, which will not be attained if people with disabilities (15% of the EU's population) are left out or their needs are not adequately considered and catered for.
- 3.2.4 Following ongoing discussions on employment, growth and flexible labour market (*inter alia* at the informal EU summit that took place in Lahti on 20 October 2006), the EESC calls on the Commission to analyse the impact and exploit possible synergies that flexible working and supportive measures may create for increasing the employment rate of people with disabilities.
- 3.2.5 The EESC also supports the European Social Fund (ESF) initiatives to integrate people with disabilities into the labour market. The EQUAL initiative has proven very effective in fostering equal opportunities among people with disabilities. As the separate initiative of EQUAL will cease to exist, the EESC calls on the Commission to integrate its approach and philosophy adequately into the new ESF mechanisms.
- 3.2.6 The new framework of the European Social Fund should emphasise that investment in people cannot succeed unless it is, at the same time, accompanied by investment in improved facilities and improved accessibility.
- 3.2.7 The EESC still believes that an adequate policy framework which provides financial incentives to companies to make their premises and services accessible is required and calls

⁸ Statistics in Focus, Theme 3: *Employment of disabled people in Europe 2002* Eurostat 26/2003.

⁹ Directive 78/2000/EC, 27 November 2000.

for it to be complemented, when needed, with binding legislation to make accessibility standards compulsory.

3.3 **A barrier-free society**

3.3.1 The EESC believes that establishing a barrier-free society is vital to making equal opportunities for people with disabilities a reality. A barrier-free society means an environment that is adapted at a technical level to the needs of people with disabilities and in which barriers to communication and participation are being torn down.

3.3.2 The EESC believes that information must be made available in digest form on disability measures in place in the Member States and on specific national legislation in this field. It calls on the Commission to bring the requisite information together in its future biennial report on the situation of people with disabilities in Europe.

3.3.3 One major obstacle to securing equal opportunities is the difficulty experienced by people with disabilities in gaining access to education. Although the employment framework directive bans any discrimination with regard to vocational training (including higher education), people with disabilities still have limited access in this area. The reasons for this include an environment that is unsuited to the needs of people with disabilities, a shortage of appropriate facilities, poor communication, lack of information and consultation, as well as the education provided to children and young people with disabilities, which in practice often deprives them of educational opportunities right from the start.

3.3.4 The EU Structural Funds make a crucial contribution to integration provided due account is thereby taken of the principles of non-discrimination and accessibility for people with disabilities. The EESC welcomes the recent approval of the new Structural Fund Regulations, which are a step in that direction and will preclude EU-funded projects from creating new barriers to people with disabilities. The EESC calls for other EU programmes and initiatives, in particular those that are better funded, to take the same approach, and to play a crucial role in meeting the Lisbon Strategy goals.

3.3.5 The EESC feels that more needs to be done to create an environment that is suited to the needs of people with disabilities – particularly in terms of access to public transport and to an obstruction-free urban environment. Many sections of society benefit from an environment that is suited to the needs of people with disabilities – families with small children, older people and, for instance, people with temporary mobility problems as a result of physical injury.

3.3.6 Action is urgently needed to change attitudes. Human rights must be the basic premise for securing equal opportunities for people with disabilities: i.e. the principle that every person has the right to take an active part in society. It is very important to ensure that support services are in place for people with disabilities – including measures to promote

employment, such as facilitating sheltered and supported work as a pathway into the open labour market.

- 3.3.7 The Member States should achieve conformity in the particular processes and methods for securing equal opportunities. With equal opportunities in practice we have to understand the wide scale of realistic possibilities for each individual. This proposed change to strengthen the truly individual approach towards people with disabilities will in the medium term require higher expenditures from public sources as well as from the Structural Funds. This leverage principle will result in stable long-term savings on social expenditure.
- 3.3.8 Social economy enterprises are crucial to securing equal opportunities for people with disabilities. Such companies help integrate people with disabilities into society and the labour market and promote the mainstreaming of disability policy with the use of the self-help principle which is much used by cooperatives.
- 3.3.9 The EESC is still convinced that the new EU directives on public procurement offer a good tool to promote the employment of disabled people, the accessibility of public transport and the built environment, as well as the production of accessible goods and services, and calls on all public authorities (local, regional, national and European) to use them for that purpose. Exchange of best practices should be supported by the European Commission.

3.4 **Involvement in the decision-making process**

- 3.4.1 European disability organisations are actively working to mainstream disability issues. The EESC welcomes these activities and feels that compliance with the mainstreaming principle is the key to achieving the desired results. Mainstreaming can only succeed if disability organisations are involved in the decision-making process at an early stage.
- 3.4.2 The European Commission has developed effective participation procedures, which the EESC feels play a crucial part in securing equal opportunities for people with disabilities. Promoting mainstreaming can, in conjunction with legislative measures, produce results in areas such as accessible transport and housing suited to the needs of people with disabilities, and access to goods, services and information.
- 3.4.3 The European Year of People with Disabilities (2003) was a milestone on the road to greater participation. It was, in the main, a success, thanks to the bottom-up approach that allowed European disability groups to be very much involved in the preparatory work and to continue to play a role throughout the entire year. Mindful of the mainstreaming principle, steps were also taken to work together with a broad spectrum of decision-makers.
- 3.4.4 It is also of vital importance that equal opportunities for people with disabilities become an integral part of those European Union procedures that are subject to the open method of

coordination. This is particularly important since many decisions relating to disability policy are still the responsibility of the Member States.

3.5 **Legislative measures to improve equal opportunities for people with disabilities**

3.5.1 A number of political moves have been made at European level to secure equal opportunities for people with disabilities. During the European Year of People with Disabilities in 2003, the Council adopted resolutions on employment and vocational training, the accessibility of cultural activities and training, and e-accessibility¹⁰. Other EU institutions also launched initiatives on access¹¹ and employment.

3.5.2 The 2006-2007 EU Disability Action Plan is now being implemented. The EESC is pleased that the objectives remain geared towards basic issues facing people with disabilities. The primary objective of the second phase of the action plan is the active integration of people with disabilities. This builds on the "citizens' concept" of disability¹², i.e. that disabled people have the same choices and control in their everyday lives as non-disabled people.

3.5.3 The EESC feels that additional legislation is needed to combat discrimination in all EU areas of activity. The Committee awaits with interest the findings of the feasibility study on additional legislative initiatives in the field of non-discrimination. The Committee also firmly believes that a proposal for a disability directive must be submitted with all possible speed.

4. **The EESC's role in promoting equal opportunities for people with disabilities**

4.1 The EESC recalls that the role of the social partners is vital for the full integration of people with disabilities. There are many examples of good practice among employers both in employing disabled people and in designing their goods and services in an accessible way. The EESC is committed to fostering progress in that area within its competences.

¹⁰ Council Resolution of 15 July 2003 on promoting the employment and social integration of people with disabilities (2003/C 175/01).

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

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 of 6 February 2003 on "eAccessibility" — improving the access of people with disabilities to the knowledge-based society (2003/C 39/03).

¹¹ *2010: A Europe accessible for all*: report by a group of accessibility experts:
http://europa.eu.int/comm/employment_social/index/7002_en.html.

¹² Under Article 26 of the Charter of Fundamental Rights of the European Union, the 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.

- 4.2 In addition, the EESC encourages employers and trade unions to make use of social dialogue mechanisms to propose new initiatives for the employment of disabled people, including job retention.
- 4.3 The EESC is committed to securing equal opportunities for people with disabilities. To help enhance the success of the European Year of People with Disabilities in 2003, the EESC set up a task force on disability issues, made up of Committee members and officials. Its job was to prepare and execute EESC activities undertaken as part of this special European year.
- 4.4 The EESC opinion on the European Year of People with Disabilities (2003)¹³ gives a clear overview of EESC activities to promote disability issues. Although the EESC has made great efforts and considerable progress in mainstreaming disability in all its relevant opinions, the Committee is fully committed to multiplying those efforts during 2007 (European Year of Equal Opportunities for All) and beyond.
- 4.5 The EESC has adopted a range of opinions dealing specifically with disability issues, as the one adopted in 2002 titled: "The integration of disabled people in society"¹⁴ which presented a global approach of the disability issue for the first time and the one on the situation of disabled people in the enlarged European Union. Other opinions too have called for equal opportunities for people with disabilities. These include, for instance, the opinion on "eAccessibility"¹⁵, the opinion on the European Year of Equal Opportunities for All (2007)¹⁶ and that on the mental health green paper¹⁷. The issue was also touched on in the opinion on social tourism¹⁸.
- 4.6 The new EESC headquarters building, which opened in 2004 is fully accessible for people with disabilities. Disability associations have thus been able to attend and hold seminars there. The other EU institutions should take a lead from this example.

13 EESC opinion on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation, results and overall assessment of the European Year of People with Disabilities 2003, 14 February 2006 (CESE 236/2006), rapporteur: Mrs Anča. OJ C 88 of 11.4.2006.

14 EESC opinion on Integration of disabled people in society, (Own-initiative opinion), 17 July 2002 (CESE 853/2002), rapporteur: Mr Cabra de Luna. OJ C 241 of 7.10.2002.

15 EESC opinion on the Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee and the Committee of the Regions – eAccessibility, 15 March 2006 (CESE 404/2006), rapporteur: Mr Cabra de Luna. OJ C 110 of 9.5.2006.

16 EESC opinion on the Proposal for a Decision of the European Parliament and the Council on the European Year of Equal Opportunities for All (2007) - Towards a Just Society, 14 December 2005 (CESE 1507/2005), rapporteur: Mrs Herczog. OJ C 65 of 17.3.2006.

17 EESC opinion on the Green Paper Improving the mental health of the population – Towards a strategy on mental health for the European Union, 17 May 2006 (CESE 739/2006), rapporteur: Mr Bedossa. OJ C 195 of 18.8.2006.

18 EESC opinion on Social tourism in Europe (own-initiative opinion), 14 September 2006 (CESE 1155/2006), rapporteur: Mr Mendoza Castro.

- 4.7 The Committee notes that disability associations now have stronger representation on the Committee. Moreover, a number of representatives of social economy organisations and of the social partners have been working hard to help secure equal opportunities for people with disabilities.
- 4.8 With a view to foster the exchange of best practice, the EESC proposes to organize a seminar during 2007 European Year of Equal Opportunities, with particular emphasis on disability and multiple discrimination issues.
- 4.9 The EESC calls on the national Economic and Social Councils or similar bodies to use 2007 as a platform to promote disability mainstreaming in their work. In addition, the EESC could explore the possibility of commissioning a study on best practice on disability mainstreaming amongst social partners.

5. **Towards a barrier-free Europe: targeted action**

- 5.1 The EESC notes that, so far, Europe has been without broad-based anti-discrimination legislation covering all areas of EU activity.
- 5.2 Disability issues must be put on the agenda of the various EU strategies. Consideration must also be given to the impact this has on securing equal opportunities for people with disabilities. The disability issue must continue to be given high priority, not least since the question is, for instance, no longer addressed in the revamped Lisbon strategy or in the national reform plans submitted in 2005. The EESC thus welcomes the working document on disability mainstreaming in the European Employment Strategy and asks the European Commission to carry out an impact assessment of this document.
- 5.3 The EESC would stress the need to again take up the proposal put forward during the UK presidency to hold an annual ministerial meeting on disability issues so as to take the debate forward at a high political level, with input from the appropriate disability organisations. The public has not, so far, been sufficiently aware of this initiative.
- 5.4 The EESC stresses once again the need for a common European definition of disability, which will make EU disability policy more effective. By the same token, more exhaustive data on the situation of people with disabilities in the EU would also contribute to a better informed and targeted policy-making. Therefore the EESC calls on the Commission, Eurostat and Member States to devote more resources to the elaboration of statistics analysing aspects such as the employment situation, the economic weight of disabled people, their role as consumers or the access to services of people with disabilities.
- 5.5 Under the Amsterdam Treaty, the European Community is committed to taking account of the needs of people with disabilities when drawing up measures relating to the single market.

Regrettably, Declaration 22 has not been implemented, and this has even resulted in further obstacles in access to goods and services.

- 5.6 The EESC is also keeping a close eye on the United Nations Convention on the Rights of Persons with Disabilities adopted in August 2006 and calls on EU Member States to ratify it. The Committee also calls the Commission to ensure that the principles enshrined in the UN Convention are promoted and followed at EU level.
- 5.7 The EESC hopes that the EU action plans to secure equal opportunities for people with disabilities will be the catalyst for more new measures in this field that will in turn produce quantifiable results.

Brussels, 17 January 2007.

The President
of the
European Economic and Social Committee

The Secretary-General
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