

Brussels, 27 May 2004

**OPINION**

of the Committee of the Regions

of 21 April 2004

on the

**Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on Equal opportunities for people with disabilities: A European Action Plan**

COM(2003) 650 final

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THE COMMITTEE OF THE REGIONS,

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

Having regard to the decision of the European Commission of 30 October 2003 to consult it on this subject, under the first paragraph of Article 265 of the Treaty establishing the European Community,

Having regard to the decision of its President of 26 September 2003 to instruct its Commission for Economic and Social Policy to draw up an opinion on this subject,

Having regard to its draft opinion (CdR 312/2003 rev. 2) adopted on 2 March 2004 by the Commission for Economic and Social Policy (rapporteur: **Mr Pedro Sanz Alonso**, President of the Autonomous Community of Rioja (ES/EPP)),

adopted the following opinion unanimously at its 54<sup>th</sup> plenary session of 21 and 22 April 2004 (meeting of 21 April).

## 1. Comments

### The Committee of the Regions

1. **considers** that the European Year of People with Disabilities in 2003 was successful in advancing the disability agenda in the European Union. The Year should therefore be seen as the start of an irreversible process that will continue and pick up steam well beyond the Year. In this context, the CoR **points to** the media's role in publicising this European Year, but stresses the need for continuity and to involve local and regional authorities in this initiative;
2. **points out** that while the new approach towards disability policy promoted by the European Year 2003 is relevant to all authorities, it concerns regional and local authorities in particular owing to their proximity to and direct impact on the everyday life of disabled people;
3. **is aware** that disability policy is mainly a matter of national competence. However, different EU initiatives are influencing national policies either through directives or through the specific application of the open method of coordination to disabled people. Future disability policy needs, therefore, to consider the need for complementarity between EU and national policies, along with the increasing competence of regional and local authorities;
4. **welcomes** all those measures that improve conditions for disabled people, as this will lead to a better society. If services are designed and planned in such a way that they are accessible to disabled people, they will be accessible to all citizens and in particular to older people;
5. **stresses** the importance of applying the principle of participatory democracy in the field of disability. This means including local, regional, national and international associations set up to protect the rights and interests of disabled people as essential and equal partners;
6. **believes** that it is essential to create an atmosphere of respect towards disabled people, in the general context of respect for human rights, in order to encourage the gradual disappearance of all forms of discrimination. This will only be achieved through a combination of legal initiatives and general awareness campaigns;
7. **emphasises** the importance of the European Commission adopting the disability action plan, which sets out a series of measures extending up to 2010.

## 2. Recommendations

## The Committee of the Regions

1. **welcomes** recent progress on social policy, the information society and transport, where most of the latest initiatives take account of disabled people. There are other areas, however, in which mainstreaming must be improved, such as jobs, training, the user-friendliness of cities and buildings, and housing;
2. **calls for** special efforts to mainstream disability into all relevant EU policy areas. Such efforts must be undertaken during the European Year in 2003 but must also continue thereafter. Although disabled people are not formally excluded from any of these areas, their lack of visibility leads to their exclusion in practice. Specific references to disabled people in all relevant initiatives are therefore needed and, when appropriate, changes need to be made so that they can fully benefit from and contribute to these initiatives. It would be a good idea to try to anticipate the potential impact of all new initiatives on disabled people;
3. **recommends** that the EU establish a programme for action with the primary aim of ensuring that disability is mainstreamed in all EU policies and areas of action;
4. **insists** that EU initiatives in the following areas must include specific references to disabled people: consumer policy, public procurement legislation, human rights, transport, action programme on youth, programmes and initiatives in the field of education (Socrates, Comenius, Leonardo da Vinci), programmes on culture and media, programmes on the transition from school to work, programmes to facilitate access to the information society and new technologies, the labour market and activities in the field of sports, in particular with a view to the European Year on Education through Sports in 2004, among others;
5. **urges** the EU to retain and continue to promote the Community's EQUAL initiative following the reform of the Structural Funds, as this initiative finances important schemes that help the employment integration of people with disabilities;
6. **proposes** that disabled people and their closest relations and representatives must be involved in the different EU processes which apply the open method of coordination, such as in the fields of education, youth and pensions. This can only be achieved if the EU institutions, Member States and regions are actively committed to ensuring that disability issues are included - and representative disability organisations involved - in this work. When statistical indicators are established to support this process, these must provide information on the situation of disabled people;
7. **recommends** that the EU institutions support building up a network of local and regional authorities in order to boost exchanges of information on disability policy and good practice across the Member States. Mutual

exchanges of information about developments in disability policy and implementation at local and regional level will, overall, lead to higher standards of services for disabled people. A network of this kind must operate in close collaboration with disability associations in order to promote exchanges of experience and good practice at all levels;

8. **would like** disabled people to have access to the same services as all other citizens. This means that their needs must be considered in the early stages of the planning process. This includes planning decisions relating to public areas such as restaurants, cinemas, theatres, schools, universities, shopping centres, museums, parks and stadiums. It would be extremely useful if general disability plans were drawn up giving an overview of measures adopted with this group in mind;
9. **believes that** failing to ensure disabled access to these services is an infringement of basic human rights and, from an economic point of view, also means that entrepreneurs are losing many potential customers. Consumer associations can play a key role in ensuring that this work is successful. This is well illustrated by a recent survey by a Spanish consumer association which shows that 50% of such public facilities had no disabled access;
10. **insists** that, like any other citizens, disabled people must be active members of society and participate in different organisations, such as political parties, trade unions, vocational organisations, religious organisations, sports clubs, environmental groups and other associations. These organisations must be organised in a way that allows disabled people to join in;
11. **considers** that the image of disabled people portrayed in the media needs to be improved. Information and programmes must seek to acknowledge the rights of disabled people and highlight the barriers preventing their full participation in society, abandoning stereotypes and received ideas that portray disability as something negative or painful, to be despised, pitied or ignored. The only way to change attitudes towards disability and combat invisibility is to raise awareness among the general public;
12. **recommends** that the specific action programme on disability at European level should seek to:
  1. **support** the mainstreaming of disability in all relevant EU policies with a view to strengthening current consultation and monitoring mechanisms, and raising awareness among decision-makers, focusing on existing possibilities for disabled people;
  2. **support** the establishment of an open method of coordination in the area of disability, based on common outcome indicators for monitoring progress on the social inclusion of disabled people. This method would apply to all areas relevant to disability policy, such as education, vocational training, life-long learning, employment, career, transport, information society, benefits, and services for people with complex dependency needs and their families. Examples of good practice in each of these areas must be provided to allow for mutual learning. The

open method of coordination for disability policies would be useful for all the Member States, in particular those countries joining the European Union in the near future;

3. **guarantee** and strengthen the participation of disability associations in civil dialogue at EU level, providing adequate funding and consultation mechanisms;
  4. **involve** welfare associations and foundations and volunteer's organisations providing social services for disabled people;
  5. **expressly acknowledge**, with a view to promoting consultation and civil dialogue, the role of the European Disability Forum (EDF) as the organisation that brings together and represents disabled people and the families of disabled people who are unable to represent themselves. The EDF must be given a special status during all phases of consultation between the EU institutions and disabled associations, in particular the High Level Group on Disability;
13. **stresses** the need for a specific directive on disability, under Article 13 of the EC Treaty, prohibiting discrimination against disabled people in all areas of life, but **points out** that adopting legislation is not enough unless appropriate measures are introduced to ensure effective implementation, development and compliance. The main components of this specific directive on disability should be, inter alia, access to employment as a key element of social independence and sufficiency, through training and positive discrimination in the labour market, and the implementation of services and support to promote the aforementioned social and personal independence. The Committee therefore reiterates its recommendation that legislation requiring a certain percentage of jobs to be set aside for disabled people should also provide for checks and penalties to ensure compliance;
14. **proposes** that the new open method of coordination in the area of education should consider disabled children and young people to be one of the main target groups, and that all the actions and indicators envisaged should take account of them;
15. **calls** for new technologies, both mainstream and assistive, to be properly developed so that they can play a vital role in overcoming some of the barriers facing disabled people. Disability must therefore be considered a horizontal issue and support given to initiatives aimed specifically at disabled people. There must also be a greater effort to eliminate all the legal and other barriers currently preventing the establishment of a genuine European market for assistive technologies, and to provide adequate financial support at national level for disabled people needing to use these technologies;
16. **recommends** that all stakeholders, public and private, local, national and EU, should base their approach to actions during and after the European Year on the Madrid Declaration, which defines the conceptual framework of the European Year and proposes specific actions for the different stakeholders. In particular, mass media, consumer associations, youth organisations, sport

clubs, religious organisations, associations and other stakeholders should improve their services and work to ensure that disabled people can fully benefit from and contribute to them;

17. **hopes** that local and regional authorities in Europe, as the authorities closest to citizens, can make a decisive contribution to defining and consolidating the new disability policy guidelines put forward by the European Year;
18. **proposes** that the regions and municipalities should decide to:
  1. **formally adopt** the Madrid Declaration, issued by the 1st European Congress on Disability, as the conceptual framework for future disability policy decisions<sup>1</sup>;
  2. **help** disseminate and apply Agenda 22 in most European municipalities. Agenda 22 comprises a set of specific rules relating to disability, laying down practical objectives for employment, training, education and integration. Regions and municipalities which adopt the agenda undertake to implement the measures it contains, adjusting them to the needs of each municipality and the expectations of associations working in the town or city concerned;
  3. where appropriate, **supplement** existing European and national legislation on non-discrimination and positive action for disabled people with additional rules and provisions at local and regional level to promote the objectives of equal opportunities and full participation for disabled people;
  4. **place** disabled people at the top of local and regional authorities' political agenda;
  5. **incorporate** disability mainstreaming into the policies of local and regional authorities, so that disability is seen as an area for horizontal action in all policy areas;
  6. **recognise** the importance of encouraging social action on the part of businesses under the heading of corporate social responsibility;
  7. **promote** the implementation and development of programmes to make it easier for disabled people to access the ordinary labour market, since the best way of integrating disabled people into society is to enable them to be economically independent. While the Committee acknowledges the role currently played by measures such as protected jobs, higher levels of integration need to be achieved;
  8. **adopt** multi-annual action programmes, with sufficient financial support and other resources, on equal opportunities for disabled people, ensuring that disabled people are involved –through the organisations representing them – in their drafting, management, implementation and assessment. In order to respond to the urgent needs and demands of disabled people, these programmes should focus on the following:

- with regard to training and employment, encourage local and regional authorities – to include specific measures promoting the employability of disabled people in their local development plans and policies, and to make a commitment, within their remit, to implement Directive 78/2000/EC on a general framework for equal treatment in employment and occupation. One of the many possible measures to improve access to employment at local level is to insert social clauses in contracts to discriminate in favour of companies and entities that have disabled people on their staff;
- with regard to the information society and access to new technologies, develop programmes aimed at promoting the info-inclusion of disabled people in the new knowledge-based society, and establishing public schemes for technical assistance and assistive technologies enabling disabled people to enjoy independent living and a better quality of life;
- with regard to accessibility for all, adopt universal accessibility plans to ensure that designs are drawn up with all people in mind, in all areas that are the responsibility of local and regional authorities (building, town planning, infrastructures, transport networks, virtual forums, telecommunications, media, public goods and services, etc.);
- with regard in particular to serious disabilities which prevent people from living independently, seek to ensure, under the principle of equal treatment, that such people are able to live autonomously in their own homes and thus remain integrated in the life of their local community. This basically means providing assistance and support so that individuals are able to continue living with parents or relatives before moving out into their own homes when they grow up. In cases where it is not possible for individuals to live with family or in their own homes, residential facilities should be made available that meet their particular needs;
- with regard to combating poverty and social exclusion, ensure that local and regional social inclusion plans give special attention to disabled people in a precarious social position;
- the development of programmes and actions for disabled people at local and regional level is essential to promoting and supporting their personal and social independence. One of the fundamental objectives should therefore be to facilitate access to housing by various means, such as community housing, sheltered flats and by reserving and adapting social housing for disabled people, whether for renting or buying;

9. **establish** and promote indicators and statistics on the social reality of disabled people, giving priority to incorporating disability-related variables into existing statistics;
  10. **set up** permanent bodies to monitor equal opportunities and non-discrimination of disabled people under local and regional authorities;
  11. **set up** permanent arrangements for civil dialogue on disability policy between local and regional authorities and disability associations in their area. To this end, it is recommended that all regions and municipalities set up joint participation councils comprising local and regional authorities and disability associations in their area;
19. **believes** it is necessary for the Committee of the Regions to ensure equal participation in its activities. Particular attention must be paid here to human resources policy, disabled access and disable-friendly design of the internet site;
20. **highlights** the importance of encounters such as the seminar on the regional dimension of disability policies, since they enable good practice to be exchanged and raise awareness of solutions that have proved effective in similar situations in other countries.

Brussels, 21 April 2004.

The President  
of the  
Committee of the Regions

The Secretary-General  
of the  
Committee of the Regions

**Peter Straub**

**Gerhard Stahl**

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<sup>1</sup> <http://www.europarl.eu.int/comparl/empl/conferences/20031110/note-en.doc>

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