



International and European Disability Policy Relating to Stuttering: What you need to know and why

UPDATE Number 2 – 2009

The United Nations Convention on the Rights of People with Disabilities

“The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Persons with disabilities include 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

The UN Convention on the rights of persons with disabilities entered into force on 3 May 2008. **More information in Update Number 1-2007**. This Convention marks a major milestone in the effort to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms of persons with disabilities, and to promote respect for their inherent dignity.

Among the basic principles of the Convention are “full and effective participation and inclusion in society” and “equality of opportunity”. As at June 2009, over 50 countries have ratified the Convention (among which 9 European countries - Austria, Croatia, Germany, Hungary, San Marino, Slovenia, Spain, Sweden and the United Kingdom), and over 30 countries have ratified its Optional Protocol, which allows individuals to submit complaints to the Committee on the Rights of Persons with Disabilities.

However the Disability Movement is concerned about a number of issues. Most importantly the Convention does not contain measures to ensure that the European Union will report on actions taken to implement the Convention at Community level (such as EU Directives), but it rather focuses on co-coordinating reporting by member States.

<http://www.un.org/disabilities/convention/conventionfull.shtml>

Proposed - The Treaty of Lisbon

The Treaty of Lisbon (also known as the Reform Treaty) will amend the Treaty on European Union (TEU, Maastricht) and the Treaty establishing the European Community (TEC, Rome).

The negotiations for achieving this reform have been going on since 2001. After France and the Netherlands rejected the Constitution in referendums in 2005, the text has been renamed and reshaped in order to meet the demands of all the Member States. The Treaty of Lisbon must be ratified by all Member States before it can enter into force, and in particular is still subject to the result of a referendum in Ireland. Up to June 2009 twenty-six member states have ratified the Treaty.

- The Treaty contains a number of provisions which are very positive from a **disability perspective**.
- It makes specific references to **respect of human dignity, human rights and equality & non-discrimination** (Article 1a).
- The European Parliament, although not fully co-deciding, may use its power of veto in order to improve a proposal for legislation.
- The principle of participatory democracy: interested parties will be consulted and a dialogue will be maintained with civil society and representative organisations in all areas of Union action. The principle of participatory democracy is **the first acknowledgement of the role of NGOs**.
- The Citizens' Initiative: the Treaty incorporates the citizens' right of initiative. This means that one million nationals from a significant number of Member States may call on the Commission to present a legislative proposal. The European Disability Forum's **1million4disability** campaign is an example of how such a right could be used. **More information in Update Number 1-2007**
- Social provisions: the Treaty of Lisbon incorporates a social clause to take account of employment, social protection, the fight against social exclusion, and **combating discrimination**.
- **Charter of Fundamental Rights**: the Lisbon Treaty introduces the Charter of Fundamental Rights into European law. [The provisions of the Charter will have binding legal force.] http://europa.eu/lisbon_treaty/index_en.htm

Proposed - The Equal Treatment Directive – a new non discrimination directive

In April 2009 the European Parliament voted in favour of a key anti-discrimination Directive for the EU. **More information in Update Number 1-2007** Through much consultation on disability rights across Europe, this proposed Directive will address disability related discrimination outside the workplace. (Workplace discrimination is covered by an existing directive.) The Directive will need the approval of all 27 member states if it is to come into force in the EU.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:DKEY=473800:EN:NOT>
(but future changes to the draft are likely)

The Council of Europe Disability Action Plan

The Council of Europe (COE), the oldest intergovernmental organisation in Europe grouping 46 Member States, adopted in 2006 a recommendation on an 'Action plan to promote the rights and full participation of people with disabilities in society'.

The action plan is the result of a political commitment undertaken by several European countries in 2003, European Year of People with Disabilities. The Disability Action Plan 2006-2015 is a document with 16 'action lines', planning to translate the aims of the CoE regarding human rights, non-discrimination, equal opportunities, full citizenship and participation of people with disabilities into a European policy framework on disability for the next decade. http://www.coe.int/t/e/social_cohesion/soc-sp/integration/02_council_of_europe_disability_action_plan/Council_of_Europe_Disability_Action_Plan.asp