



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

### UPDATE Number 3 – 2011

#### The United Nations Convention on the Rights of People with Disabilities

The Convention on the Rights of Persons with Disabilities is an international treaty that identifies rights of persons with disabilities as well as the obligations on States parties to the Convention to promote, protect and ensure those rights. <http://www.un.org/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**

As at January 2011 this Convention has been signed by all 27 member states of the European Union and has been ratified by 16 of them. On 5th January 2011 the Convention was also ratified by the European Union (EU) itself.

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/4&format=HTML&aged=0&language=EN&guiLanguage=en>

The Committee on the Rights of Persons with Disabilities [www.ohchr.org](http://www.ohchr.org) is the body of independent experts which monitors implementation of the Convention. Countries who have ratified the Convention must submit regular reports to the Committee. People with Disabilities and their organisations can also get involved in monitoring, in particular through writing 'shadow reports'. <http://equalityhumanrights.com/human-rights/a-guide-to-the-un-disability-convention/part-3-making-rights-a-reality/how-can-i-get-involved-in-monitoring-and-reporting/>

Of the 16 EU member states who are formal parties to the Convention, 14 have also ratified the 'Optional Protocol'. This protocol allows for individuals and groups to petition the Committee once all national recourse and procedures have been exhausted. The monitoring described in the previous paragraph occurs whether or not the Optional Protocol has been ratified.

*There are eight guiding principles that underlie the Convention and each one of its specific articles:*

1. *Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons*
2. *Non-discrimination*
3. *Full and effective participation and inclusion in society*
4. *Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity*
5. *Equality of opportunity*
6. *Accessibility*
7. *Equality between men and women*
8. *Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities*

## The Treaty of Lisbon

A European-wide treaty, the Treaty of Lisbon entered into force on 1 December 2009, having been ratified by all 27 member states.

The Treaty amends the current EU and EC treaties (Rome and Maastricht) without replacing them. It provides the Union with the legal framework and tools necessary to meet future challenges and to respond to citizens' demands.

[http://europa.eu/lisbon\\_treaty/index\\_en.htm](http://europa.eu/lisbon_treaty/index_en.htm)

<http://eur-lex.europa.eu/en/treaties/dat/12007L/htm/12007L.html>

It contains provisions that are very positive for people with disabilities. It makes specific references to the respect of human dignity, human rights, equality, non-discrimination, social exclusion, and dialogue with representative organisations (NGOs).

Some extracts below:

*The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights (Article 1a)*

*It shall combat social exclusion and discrimination (Article 2)*

*The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000 (Article 6)*

*The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society (Article 8b)*

The Treaty of Lisbon makes the Charter of Fundamental Rights legally binding, which previously it was not. The Charter includes anti-discrimination provisions. (outlined in the original [ELSA brochure “International and European Disability Policy Relating to Stuttering: What you need to know and why”](#)). The Charter applies to all actions by EU institutions and to Member States *when they are implementing EU law*. See 2010 Annual Report on the Charter: [http://ec.europa.eu/commission\\_2010-2014/redoing/multimedia/news/2011/03/20110331\\_en.htm](http://ec.europa.eu/commission_2010-2014/redoing/multimedia/news/2011/03/20110331_en.htm)

The Treaty also covers a number of areas that are relevant to people with disabilities, such as employment, social protection, education and public health. It also includes a “*Citizens Initiative*” – See [Update Number 2 - 2009](#)

### EU Disability Strategy 2010 -2020

On 15 November 2010 the European Commission adopted a new strategy to break down the barriers that prevent persons with disabilities from participating in society on an equal basis. The strategy outlines how the EU and national governments can empower people with disabilities so they can enjoy their rights. The main actions are around participation, awareness raising, funding, and identifying and promoting successful support structures put in place by member states at national level.

[http://ec.europa.eu/news/justice/101115\\_en.htm](http://ec.europa.eu/news/justice/101115_en.htm)