



Education and Culture DG

Lifelong Learning Programme

Leonardo da Vinci

Disability Issues in International Institutions' Legal Acts

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Community Rehabilitation in Neurology – Training Programme



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Agenda

- Official EU and International Documents on disability issues
- General Policies
- Disability policies in relation to rehabilitation practice
 - Respecting patients autonomy, central role of disabled person in rehabilitation process
 - Active involvement of disabled people - with the client not for the client
 - Family support and active involvement of significant others
 - De-institutionalisation, promotion of independent living and development of community services
 - Person-centeredness



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The EU disability strategy pillars

1. EU anti-discrimination legislation and measures, which provide access to individual rights
2. Eliminating barriers in the environment that prevent disabled people from exercising their abilities
3. Mainstreaming disability issues in the broad range of Community policies which facilitate the active inclusion of people with disabilities.

From: *Situation of disabled people in the enlarged European Union: the European Action Plan 2006-2007* accessible at [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SPLIT_COM:2005:0604\(01\):FIN:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SPLIT_COM:2005:0604(01):FIN:EN:PDF)



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Important EU documents

- Treaty establishing the European Community
- Charter of fundamental rights of the European Union
- The European Union Disability Action Plan:
 - Equal opportunities for people with disabilities: A European Action Plan 2004-2010
 - Report on the situation of people with disabilities in the enlarged European Union: the European Action Plan 2006-2007
 - Situation of disabled people in the European Union: the European Action Plan 2008-2009
- Equality and non-discrimination in an enlarged European Union GREEN PAPER (2004)



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Important documents of other international bodies

Council of Europe documents:

- Council of Europe Disability Action Plan 2006-2015

United Nations Organisation documents:

- Convention on the Rights of Persons with Disabilities (2006)

WHO documents

- The World Health Report **2008** Primary Health Care – Now More Than Ever

Other:

- Mansell J, Knapp M, Beadle-Brown J and Beecham J (2007) Deinstitutionalisation and community living – outcomes and costs: report of a European Study. Volume 1: Executive Summary, Volume 2: Main Report. Canterbury: Tizard Centre, University of Kent.



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General policies

Non-discrimination

- **Treaty establishing the European Community**

Article 13

„ (...) Council, (...), may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, **disability**, age or sexual orientation.”

- **Charter of Fundamental Rights of the European Union**

Article 21

Non-discrimination

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, **disability**, age or sexual orientation shall be prohibited.



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General policies

Equal rights

Charter of Fundamental Rights of the European Union

Article 26

Integration of persons with disabilities

The Union recognizes 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.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:303:0001:0016:EN:PDF>



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General policies

Equal rights

Situation of disabled people in the enlarged European Union: the European Action Plan 2006-2007

„Equality of opportunity is the objective of the European Union's long-term strategy on disability, which aims to enable disabled people to enjoy their right to dignity, equal treatment, independent living and participation in society”.

[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SPLIT_COM:2005:0604\(01\):FIN:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SPLIT_COM:2005:0604(01):FIN:EN:PDF)

Situation of disabled people in the European Union: the European Action Plan 2008-2009

„Member States and other stakeholders have identified accessibility as a priority for active inclusion and access to rights.”

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0738:FIN:EN:PDF>



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General policies

Shaping inclusive society

Equal opportunities for people with disabilities: A European Action Plan 2004-2010

„Contributing to shaping society in a fully inclusive way is therefore the overall EU objective: in this respect, the fight against discrimination and the promotion of the participation of people with disabilities into economy and society play a fundamental role”

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0650:FIN:EN:PDF>



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Disability policies in relation to rehabilitation practice

- Respecting patients autonomy, central role of disabled person in rehabilitation process
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Respecting autonomy of persons with disabilities

UN Convention on the Rights of Persons with Disabilities

Recognizes „ the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices”

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

Facilitating the implementation of the UN Convention was one of the priorities of the **EU Disability Action Plan 2008-2009**

Council of Europe Disability Action Plan 2006-2015

We have shifted our focus to the individual as central to a coherent, integrated approach which respects the human rights, fundamental freedoms and dignity of all disabled individuals. Consequently there has been a shift in many European countries to promote active policies which empower the individual disabled person to control his/her life.

http://www.coe.int/t/e/social_cohesion/soc-sp/Rec_2006_5%20Disability%20Action%20Plan.pdf



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Active involvement of disabled people WITH the client not FOR the client

UN Convention on the Rights of Persons with Disabilities

Considers „that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them”

European Commission: Equal opportunities for people with disabilities: A European Action Plan 2004-2010

„The EU's long-standing commitment towards its disabled citizens goes hand in hand with a new approach to disability: from seeing people with disabilities as the passive recipients of compensation, society has come to recognize their legitimate demands for equal rights and to realize that participation relates directly to insertion.”



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Active involvement of disabled people WITH the client not FOR the client

Council of Europe Disability Action Plan 2006-2015

We have moved from seeing the disabled person as a patient in need of care who does not contribute to society to seeing him/her as a person who needs the present barriers removed in order to take a rightful place as a fully participative member of society. Such barriers include attitudes and social, legal and environmental barriers. We therefore need to further facilitate the paradigm shift from the old medical model of disability to the social and human rights based model.



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Family support and involvement

UN Convention on the Rights of Persons with Disabilities

„(...) the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and (...) persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities”

Council of Europe Disability Action Plan 2006-2015

Member states are obliged (...) to have the needs of families as providers of informal care thoroughly assessed, especially those with children with disabilities or caring for persons in need of a high level of support, with a view to providing information, training and assistance, including psychological support, to enable life within the family, paying particular attention to the reconciliation of private and professional life and to gender equality (...)



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De-institutionalisation, promotion of independent living and development of community services

Equal opportunities for people with disabilities: A European Action Plan 2004-2010

„Living independently

The aim is to provide disabled people with the same individual choices and control in their daily lives as non-disabled people. Care and support services are to be more tailored to the specific needs of people with disabilities. The European Commission promotes affordable, accessible and quality social services, and support through consolidated social and inclusion provisions.

The EU also supports the case for the de-institutionalisation of disabled people. The European Commission funds studies on the delivery of community-based services needed by disabled people to attain the right levels of security, freedom and independence for community living.”



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De-institutionalisation, promotion of independent living and development of community services

EU Disability Action Plan 2008-2009

The European Parliament „Welcomes moving away from the institutionalization of people with disabilities; notes that deinstitutionalization requires a sufficient level of community-based quality services favoring independent living, the right to personal assistance, and full participation in society within Member States; calls for special attention to be paid to possible barriers to access to such services caused by charging policies and to support for the principle of universal access”

„Community Based Services (CBS) provide better opportunities for independent living than institutionalization”

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0738:FIN:EN:PDF>



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De-institutionalisation, promotion of independent living and development of community services

Council of Europe Disability Action Plan 2006-2015

Member states are obliged:

- „(...)To ensure a co-ordinated approach in the provision of community-based quality support services to enable people with disabilities to live in their communities and enhance their quality of life.
- (...) to work towards the availability of individualized, community-based programs of rehabilitation for individuals with a disability who so require”

„To prevent the deterioration of disability, alleviate its consequences and enhance independence of people with disabilities, comprehensive rehabilitation (No. 10) programs that include an array of accessible, and, where appropriate, community-based services, should be implemented.”



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De-institutionalisation, promotion of independent living and development of community services

UN Convention on the Rights of Persons with Disabilities

States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programs, particularly in the areas of health, employment, education and social services, in such a way that these services and programs:

- Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;
- Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.



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Person-centeredness

The World Health Report 2008 Primary Health Care – Now More Than Ever

Only people-centered services will minimize social exclusion and avoid leaving people at the mercy of unregulated commercialized health care, where the illusion of a more responsive environment carries a hefty price in terms of financial expense and iatrogenesis.

http://www.who.int/whr/2008/whr08_en.pdf



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Person-centeredness

The World Health Report 2008 Primary Health Care – Now More Than Ever

There is a substantial body of evidence on the comparative advantages, in terms of effectiveness and efficiency, of health care organized as peoplecentred primary care. Despite variations in the specific terminology, its characteristic features (person-centredness, comprehensiveness and integration, continuity of care, and participation of patients, families and communities) are well identified.

Care that exhibits these features requires health services that are organized accordingly, with close-to-client multidisciplinary teams that are responsible for a defined population, collaborate with social services and other sectors, and coordinate the contributions of hospitals, specialists and community organizations.



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Issues

- Policies alone don't change practice
- Translation of the policies into national legal acts is called for
- Implementation of the policies is everyone's responsibility