



CONFERENCE OF INGOs
OF THE COUNCIL OF EUROPE

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CONSEIL DE L'EUROPE

**Recommendation to the Committee of Ministers
adopted by the Conference of INGOs at its meeting of 25 June 2015**

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“New disability strategy”

The Conference of the INGOs of the Council of Europe

Recalling the nine Recommendations related to disability made by the Committee of Ministers since the adoption of the Action Plan 2006-2015;

Recalling that the UN Convention on the Rights of Persons with Disabilities has been signed and ratified by nearly all member States of the Council of Europe;

Considering that the States should be supported in the implementation of this Convention which will need deep changes in their legal system;

Considering that the participation of persons with disabilities is depending on the inclusive feature of a European society open to diversity and based on Human Rights, Democracy and the Rule of Law;

Considering that mainstreaming disability issues within the different organs of the Council of Europe needs to be efficiently co-ordinated by a unit dedicated to disability;

Fully aware of the important contribution of the Disability Action Plan of the Council of Europe 2006-2015 in improving the quality of life of persons with disabilities and their families over the last ten years;

Measuring how much still remains to be done;

calls on the Committee of Ministers

1. to adopt a long-term strategy for the inclusion of people with disabilities in all life domains as full members of society and for so doing:
 - to develop tools for making this inclusion effective for every person with a disability, and
 - to promote the sharing of good practice;

2. to urge member States to implement, within this long-term strategy, a first plan on two points that are crucial in the present situation in Europe:
 - guarantee persons with disabilities a full access to all social rights;
 - recognise disabled persons' legal capacity so as to comply with the articles 12, 14 and 19 of the Convention on the Rights of Persons with Disabilities;
3. to require from the Council of Europe a review of its partnership practice and fully value the essential role of persons with disabilities in all levels of decision-making concerning disability matters;
4. to strengthen the Secretariat of the Council of Europe in the way to give a strong mandate to a Disability Unit so as to reflect the important number of persons concerned by disability in European society as well as the place given to disability issues by the Organisation.

Appendix

It has to be stressed that persons with disabilities are not a monolithic group of population. They may have very different impairments from birth on or acquired during their life, before and after 60, and different living conditions. They may be children, adults, old-aged people; they may have different social and cultural backgrounds; they may be employed, jobseekers or unemployable. Some of them may have psycho-social disorders, others very complex dependency needs, and others may be migrants with disabilities, but they all should be full members of a European society open to diversity.

Inclusive society is not an abstract concept. It is a construct resulting from the commitment of a series of stakeholders to work and live together respecting each other's human dignity and rights. Persons with disabilities and their families are among the key stakeholders in this process.

For such construct to exist, it needs laws, policies and the impulse of international organisations steadily recalling the principles on which to build the joint venture of living together in democratic states.

The long term strategy in which the Council of Europe should engage is, among others, a strategy of awareness raising about human dignity and rights of persons with disabilities as enshrined in International Law by the UN Convention on the Rights of Persons with Disabilities (CRPD).

Within this long term strategy, the first plan should aim at securing all social rights for people with disabilities. This is of major importance in the present post-crisis situation in Europe where access to employment, training, housing, health care and others are out of reach for many persons. The European Social Charter should be fully implemented for persons with disabilities. The article 15 draws a special attention on particular measures to be taken for persons with disabilities, especially in the revised European Social Charter with the paragraph on social inclusion adopted in 1996. Nevertheless it should not be forgotten that all other articles apply to persons with disabilities as well and should be implemented.

According to the article 12 of the UN Convention on the Rights of Persons with Disabilities (CRPD) legal capacity implies the recognition of these persons before the law "on an equal basis with others in all aspects of life" and "with the support they may require in exercising their legal capacity". This article 12 brings about huge changes in national laws dealing with legal protection. It is completed by article 14 guaranteeing the right to liberty and security. A protocol in this sense should be added to the Oviedo Convention. Legal Capacity is also crucial for enjoying the rights to independent living as quoted in article 19 aimed at "the equal right to live in the community, with choices equal to others".

This new international legal framework with its broad recognition, also at European level, is challenging the member States of the Council of Europe and throws a new light on the existing obligations enshrined in the European binding Conventions and Treaties.

For this reason the Conference of INGOs of the Council of Europe urges the Committee of Ministers to adopt a long term strategy as a follow up of the decision of the Malaga Conference and the work achieved during the ten years Action Plan and to take the necessary measures for making disability fully visible at the Council of Europe.