EDF Human Rights Report

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‘10 years of the United Nations Convention on the Rights of Persons with Disabilities in Europe’

Easy read version
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This report is dedicated to the memory of Peter Lambreghts

a great disability and independent living campaigner and EDF Board member, who died in 2016.
The European Disability Forum

The **European Disability Forum** is an organisation of people with disabilities in Europe.

**European Disability Forum** was created by people with disabilities in 1996.

**European Disability Forum** works to protect the rights of people with disabilities in Europe.

**European Disability Forum** is the link between people with disabilities and people who make laws and decisions in Europe.

**European Disability Forum** believes that a fair society includes people with disabilities and that people with disabilities should decide about their lives.

**What is the United Nations Convention on the Rights of Persons with Disabilities?**

In 2006 the countries part of the United Nations made an agreement called a treaty.

The treaty was about making sure rights for people with disabilities happened in each country. For short we call it the **CRPD**.

The UN asked all the countries of the world to sign up to the treaty to publicly say that they agree with it and will make sure people in their own countries get the rights they should have.

**Today, 168 countries across the world have signed up.**
Each country has to **sign** the **CRDP** treaty to say they agree with it. Then they have to **ratify** the treaty, this means put all the rights listed in the **CRDP’s** into all their country or state’s laws.

There are 28 countries in the European Union, they have all **ratified** the treaty except for Ireland, Two very small states, Liechtenstein and Monaco, have also signed to say they agree with the **CRDP** but so far haven’t **ratified** it.

**The European Disability Forum** want Ireland, Liechtenstein and Monaco to do this now.

When the countries have ratified the **CRDP** they have to agree to the **Optional Protocol**. This is a law that allows people with disabilities to make a complaint to the **CRDP** committee if their rights are not respected. Some countries, and the EU have not done this yet.

These countries are;
**Bulgaria, Czech Republic, Ireland, Monaco, the Netherlands, Poland, Romania, Iceland, Liechtenstein, Norway and Switzerland**

The European Disability Forum is asking the EU and these countries to agree to make the CRPD fully happen in their country.

**European countries’ reviews by the CRPD Committee**

There is a committee of the United Nations that looks at how the **CRPD** is being used to make sure people with disabilities have their rights.

All the countries who sign up to the treaty have to send a report to this committee after 2 years to let them know their progress. The committee decides how well the country has done and recommends what they can do to
improve it. After this first review, the country has to report back every four years.

But the committee is behind with its reviews and a country may not get a review for 4 or 5 years.

By November 2016 14 countries had been checked by the CRPD Committee.

These are Spain, Hungary, Austria, Sweden, Denmark, Germany, Belgium, Croatia, Czech Republic, Lithuania, Portugal, Slovakia, Italy and the EU as a whole.

Other European countries that are still waiting for the committee to check their progress are the United Kingdom, Luxembourg, Montenegro, Latvia, Estonia, Bulgaria, Poland, the Former Yugoslav Republic of Macedonia (FYROM), Malta, Greece, Norway, Turkey, Slovenia, Switzerland and France.

Some countries are waiting for their second review. These countries are Spain, Hungary, Sweden, Austria, Belgium, Czech Republic, Denmark, Germany, Lithuania, Slovakia, Croatia, Serbia and Portugal.

The EU as a whole is also coming up for its second review.

The European Union’s review by the CRPD Committee

The CRPD committee checked the European Union (EU) for the first time. It gave the EU clear guidance on how to promote the rights of people with disabilities in the EU and how they could protect the rights of persons with disabilities in the EU better.
The European Disability Forum and its members were very involved in this review. The European Disability Forum sent their own report to the Committee on how the CRPD was being put in place in the EU.

The European Disability Forum told the Committee the things they were concerned about and suggestions to make the situation better for people with disabilities.

The European Disability Forum asked a lot of people in their networks and members for their views to put into the report.

The European Disability Forum also asked a lot of other human rights groups for their views so they could tell the committee in the report and at their meeting.

This is a photo of the people from the European Disability Forum who went to Geneva in Switzerland to see the committee to tell them what people with disabilities thought about the CRPD. The EU said it is committed to human rights and the rights of people with disabilities. This is good news.

There is another committee in Europe called the European Economic and Social Committee (EESC). The EESC is suggesting a new way forward for people with disabilities in the EU.

The EU was asked by the CRPD Committee to report after one year on its progress. This includes an update on any new policies and laws which are about the rights of people with disabilities and making the European Accessibility Act happen.
Human rights

The **CRPD** treaty uses a human rights model of disability. This means it is important for people with disabilities to have dignity. The treaty talks about discrimination of men, women and children with disabilities. This happens when there are barriers stopping them from being fully included in society on an equal basis with others.

1. The **CRPD** Committee says it is important to give Disabled People’s Organisations (DPOs) enough time to give their views. They also say it is important to give them enough funds to help them to do this.

2. The **CRPD** Committee recommends that all areas and regions of the countries should be made aware of the rights set out in the **CRPD** and their duty to put them in place.

**The CRPD Committee’s Main Views:**

So far, the **CRPD** Committee has given Main Views on 4 main areas:

1. **Legal capacity** (article 12 of the **CRPD**), having the ability to make decisions for yourself
2. **Accessibility** (article 9 of the **CRPD**) having access to services and goods
3. **Women with disabilities** (article 6 of the **CRPD**)
4. **Education** (article 24 of the **CRPD**).

The **CRPD** Committee is preparing a Main View on independent living in the community (article 19 of the **CRPD**). But this one is not finished yet.

**Main View 1: ‘Equal recognition before the law’**

The **CRPD** Committee says that the law should give equal recognition for people with disabilities. They thought that the countries didn’t understand that they should allow people with disabilities to be recognised and supported in making decisions about their own lives instead of people making the decision for them, for example forced mental health treatment or guardianship.
Not giving people with disabilities equal rights in law means that some are not allowed to vote, or get married, have children, have rights as parents, the right to give permission for medical treatment etc. People with learning disabilities are more likely to be affected by other people making decisions for them and not being allowed their own voice.

The CRPD Committee says that some countries have got legal capacity mixed up with mental capacity. They have taken away the power from people with disabilities to make decisions for themselves based on how able they appear to be. Disability can never be the reason for someone not receiving their rights.

To ensure that Article 12 is put in place, the CRPD Committee wants countries to:

1. Get rid of people being able to make decisions for people with disabilities, preventing them from having the same legal capacity as other people. Make laws to protect this right for all people.

2. Provide support to people with disabilities so they are able to make decisions for themselves

3. Involve people with disabilities in helping to make new laws and policies.

Main View 2: ‘Accessibility’ (article 9)

The CRPD Committee said that people with disabilities should be able to be independent and take part in all areas of community life. This means they should have access to transport, information and communications technology and systems such as computers and social media and phones. They should also have access to public facilities.

They say that there should be checks on whether all people have equal access to these things, and the standards should be as good in all areas and between different countries.

They also said that the countries and governments should put this in place straight away and not wait for someone to complain before they do
something about it.

Main View 3: ‘Women with disabilities’ (article 6)

The CRPD Committee said that women and girls with disabilities are more likely to be treated unfairly.

They said that the countries and governments should try to make sure that women with disabilities had the same rights and freedom as everyone else.

The CRPD Committee said that women can also be treated unfairly for other reasons such as their age or race or religion so they might have discrimination in more than one area.

They also said that there was a lot of violence against women and girls with disabilities, including sexual violence and abuse, operations to stop them having children and being made to work for less money.

The Committee recommends that the governments of countries should

1 Get rid of laws and policies that discriminate against people, especially women

2 Put laws in place to make sure that the rights of women with disabilities are included in all policies

3 Remove the barriers that stop women with disabilities taking part in social life and include them in setting up programmes and plans that affect them.

4 Create organisations and networks of women with disabilities to help women to take part in politics and public life and become leaders.

Main View 4: ‘Education’ (article 24)

The CRPD Committee said that people with disabilities should have rights to education which includes them rather than teaching them separately, at all schools and colleges and training courses, so they have the same opportunities as everyone else.

The Committee said that there must be flexible education so that people can
learn in the way that is best for them, and not expect them to learn in the same way as everyone else.

Teachers and staff should be trained so they know how to make people feel safe, supported and encouraged when they are learning.

Education should be checked regularly so that people are not left out either on purpose or by mistake. People with disabilities should continue to be supported all the way through school and into college and work.

The checking and monitoring should involve the people with disabilities, Disabled People’s Organisations and parents / carers etc.

‘Inclusive education’ means it should be:

**Available** - there must be enough schools and colleges of good quality

**Accessible** – the education shouldn’t be too expensive so that people with disabilities can’t afford it

**Acceptable** – the education must be designed for people’s different needs and ability, different languages and cultures etc.

**Adaptable** – different countries should use the Universal Design for Learning (UDL) approach, which means a learning environment that can be changed to meet the different needs of all learners.

**The CRPD Committee asked the countries to**

1. Have an education ministry responsible for the education of people with disabilities at all levels,

2. Make laws, based on the human rights model of disability, to put the right education policy in place

3. Have a clear policy for education that includes all people, with penalties if they don’t do this
4. Set up a process to stop people with disabilities from being separated and labelled in special institutions;

5. Proper support and training for teachers in schools and colleges at all levels.

Complaints from disabled people to the CRPD Committee

The CRPD Committee has heard 8 complaints from European citizens with disabilities. The complaints were against Austria, Italy, Sweden, Germany, Hungary and the UK. Four are about the right to work; the others are about legal capacity and the right to vote, access to information and banking services and rehabilitation.
Conclusions

There has been a lot of progress in Europe since the United Nations Convention on the Rights of Persons with Disabilities (CRPD) was introduced 10 years ago. The CRPD has helped people to recognise the rights of people with disabilities. But this does not mean that people with disabilities have had a better quality of life and higher employment rates, etc.

The European Disability Forum is asking the European Union (EU) and Europe’s countries to take immediate actions to follow all the guidance of the CRPD. The European Disability Forum wants the European countries to involve people with disabilities in the process.

There are still some problems with the CRPD

- Not all European countries have signed up to support the CRPD
- Not all countries respect all the rights protected by the CRPD.

Many European countries have put their own conditions on signing up to support the CRPD. So they want to support the idea of the CRPD but they do not want to give people with disabilities all the rights provided by the agreement.

The European Disability Forum is asking these countries to accept the CRPD without their conditions. It is also asking the United Nations to make laws so that countries should accept all the guidance of the CRPD and not put their own conditions on it.

- Many countries do not use the human rights approach to people with disabilities in their laws and policies.

All countries should use the same definitions of disability and the assessment of the amount of disability a person has, as set out in the CRPD.

The EU and all European countries should make a plan to discuss things with people and groups with disabilities and let them make decisions about things that affect them. The European countries should provide enough money and support to help them to follow the guidance in the CRPD. This includes organisations who support people with learning and social disabilities.