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Technical Assistance for Strengthening
Fundamental Rights Sector Coordination Project

RIGHTS OF PERSONS WITH DISABILITIES

FACTSHEET



WEglobal



Introduction



The rights of persons with disabilities can be defined as positive discrimination rights given to persons with disabilities to ensure that they have access to equal rights as persons without disabilities, due to their disability or disadvantage arising from their existing physical or other characteristics. Social, economic, scientific and technological developments have created a suitable climate for the development of a more inclusive and rights-based approach regarding the rights of persons with disabilities, and international law documents began to set norms and standards in line with the developments made in this field.



International Standards

United Nations (UN)

The UN Convention on the Rights of Persons with Disabilities, adopted on 13 December 2006, is the first comprehensive human rights agreement of the 21st century. The Optional Protocol, adopted together with the Convention, paves the way for individuals and groups with disabilities in the states parties to apply to the Committee on the Rights of Persons with Disabilities.

The UN Convention (Article 1) defines persons with disabilities as “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”.

According to this definition, disability is not just a health problem. It is a multi-dimensional and complex issue, which reflects the interaction between the individual and the society in which he/she lives.

The major problems experienced by persons with disabilities are not caused by their disability, but by the difficulties they encounter in accessing resources such as education, health, employment, as well as social and legal support mechanisms. Such difficulties in accessibility mean that persons with disabilities face high rates of poverty, discrimination and social exclusion.

Persons with disabilities face deeper discrimination on the grounds of race, skin colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, birth, age or other status.

Women and girls with disabilities are at greater risk of violence, injury, neglect, negligent treatment, maltreatment or abuse both inside and outside home.

Children with disabilities must fully enjoy all human rights and fundamental freedoms on equal terms with other children.

Council of Europe Framework

The Committee of Ministers of the Council of Europe adopted the “Council of Europe Disability Action Plan” (2006-2015) in April 2006, following its Recommendation Rec (2006)5, to promote the rights and full participation of people with disabilities in society. The subsequent Council of Europe Disability Strategy (2017-2023) defines five priority areas of equality and non-discrimination, awareness raising, accessibility, equal recognition before the law, and freedom from exploitation, violence and abuse, as well as five cross-cutting themes of participation, co-operation and co-ordination, universal design and reasonable accommodation, gender equality perspective, multiple discrimination, and education and training.



European Union (EU Framework)

The UN Convention on the Rights of Persons with Disabilities is the first international human rights agreement to which the EU is a party. The Union ratified the Convention in 2011. Under the UN Convention on the Rights of the Persons with Disabilities, the EU and its Member States carry out studies to improve the social and economic conditions of persons with disabilities within the framework of the Treaty on European Union, the Treaty on the Functioning of the European Union and the EU Charter of Fundamental Rights.

The EU and its Member States are parties to the UN Convention on the Rights of the Persons with Disabilities. Moreover, 22 Member States have also ratified its Optional Protocol. The Convention forms the basis of the EU Strategy on the Rights of Persons with Disabilities (2021-2030) and the European Disability Strategy (2010-2020).

Principle 17 of the European Pillar of Social Rights states that “people with disabilities have the right to income support that ensures living in dignity, services that enable them to participate in the labour market and in society, and a work environment adapted to their needs”.

Becoming a party to the UN Convention on the Rights of Persons with Disabilities requires the EU to ensure that all regulations, policies and programmes at the Union level comply with the provisions of the Convention in line with the EU’s responsibilities.

The EU Member States that ratified the Convention are required to take action in the following areas:

Ensuring access to education, employment, transportation, infrastructure and public buildings

Protecting the right to vote, improving political participation

Ensuring full legal capacity for all individuals with disabilities

Binding Sources: Treaties and Charter

- ✔ Articles 10 and 19 of the Treaty on the Functioning of the European Union regulate issues related to “combating discrimination” and “disability” is clearly included among the grounds of discrimination

Article 19: (1)

- ✔ Charter of Fundamental Rights of the European Union

Article 21 of the Charter, titled ‘non-discrimination’, prohibits discrimination for any reason on all the grounds listed.

Article 26 of the Charter, titled ‘integration of persons with disabilities’, states that “The Union recognises 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”.

Binding Sources: EU Secondary Acts

- ✔ The European Accessibility Act (Directive (EU) 2019/882) regulates accessibility standards for certain products and services.
- ✔ EU Regulations on the rights of travellers with reduced mobility regulate the rights of persons with disabilities in airline, train, bus and sea transportation vehicles.
- ✔ The Web Accessibility Directive ((EU) 2016/2102) regulates the accessibility of the websites and mobile applications of public sector bodies.
- ✔ The European Accessibility Standards aim to eliminate the obstacles faced by persons with disabilities and other groups, such as the elderly, in the field of the built environment and information and communication technologies through common standards and ‘design for all’ principle.
- ✔ On 6 September 2023, the European Commission proposed a Directive for the creation of a standard European Disability Card and a strengthened European Parking Card. The European Parliament approved the Directive Proposal, which will be published in the Official Journal of the EU following its approval by the Council.
- ✔ Under the EU Disability Card Pilot Project, eight Member States provide equal access to privileges in culture, leisure, sports and transport within the EU for persons with disabilities.
- ✔ The EU Parking Card is a card that individuals obtain from their own country in case of disabilities causing reduced mobility, and it is recognised in all EU Member States.

Policy Framework and Policy Documents on the Rights of Persons with Disabilities in the EU

✔ EU Strategy for the Rights of Persons with Disabilities (2021-2030)

- ✔ The Strategy aims to ensure progress in all areas identified by the UN Convention, both at the EU and Member State levels.
- ✔ Priority areas:



Accessibility



Enjoying EU rights (moving and residing freely, fostering participation in the democratic process)



Decent quality of life and living independently (developing independent living and reinforcing community-based services; developing new skills for new jobs; fostering access to quality and sustainable jobs; and consolidating social protection systems)



Equal access and non-discrimination (improving access to justice, legal protection, freedom and security; equal access to social protection, healthcare, education and goods and services including housing; inclusive and accessible education; sustainable and equal access to healthcare; improving access to art and culture, recreation, leisure, sport, and tourism; and ensuring safety and protection)



Promoting the rights of persons with disabilities globally

Institutional Structures in the EU: European Disability Platform

- ✔ Established in 2021 to ensure close cooperation with the institutions of Member States, the Commission and civil society on disability-related issues and to ensure the sharing of knowledge, experience and good examples.
- ✔ Supports the implementation of the UN Convention and the EU Strategy for the Rights of Persons with Disabilities.
- ✔ Consists of a group of experts, and regularly meets with the Commission on the implementation of the Convention in the EU and Member States.
- ✔ Consists of the European Commission, experts from Member States and representatives of NGOs at EU level, including disability organisations.