


Procedure file

Basic information		
INI - Own-initiative procedure	2003/2100(INI)	Procedure completed
Persons with disabilities: rights and dignity, United Nations legally binding instrument		
Subject 4.10.06 People with disabilities		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	EMPL Employment and Social Affairs		12/03/2003
		ELDR LYNNE Elizabeth	
	Committee for opinion	Rapporteur for opinion	Appointed
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs		19/05/2003
		PSE CERDEIRA MORTERERO Carmen	
	JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	
	FEMM Women's Rights and Equal Opportunities		20/05/2003
		PPE-DE OOMEN-RUIJTEN Ria	
	PETI Petitions	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Economic and Financial Affairs ECOFIN	2520	15/07/2003
European Commission	Commission DG Employment, Social Affairs and Inclusion	Commissioner	

Key events			
24/01/2003	Non-legislative basic document published	COM(2003)0016	Summary
15/05/2003	Committee referral announced in Parliament		
09/07/2003	Vote in committee		Summary
09/07/2003	Committee report tabled for plenary	A5-0270/2003	
02/09/2003	Debate in Parliament		
03/09/2003	Decision by Parliament	T5-0370/2003	Summary

03/09/2003

End of procedure in Parliament

Technical information

Procedure reference	2003/2100(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/5/19528

Documentation gateway

Non-legislative basic document	COM(2003)0016	24/01/2003	EC	Summary
Document attached to the procedure	SEC(2003)0116	31/01/2003	EC	Summary
Economic and Social Committee: opinion, report	CES0227/2003 OJ C 133 06.06.2003, p. 0050-0052	26/03/2003	ESC	
Committee report tabled for plenary, single reading	A5-0270/2003	09/07/2003	EP	
Text adopted by Parliament, single reading	T5-0370/2003 OJ C 076 25.03.2004, p. 0122-0231 E	03/09/2003	EP	Summary

Persons with disabilities: rights and dignity, United Nations legally binding instrument

PURPOSE : to set out the Commission's position on the UN Ad-Hoc Committee to protect and promote the rights and dignity of persons with a disability
CONTENT : UN Resolution 56/168 seeks to introduce a legally binding instrument to promote and protect the rights and dignity of persons with disabilities. This legally binding document should guarantee that disabled people (estimated at more than half a billion people world wide) enjoy the full range of internationally guaranteed rights and freedoms and that they do so without discrimination on the grounds of a disability. Such a policy is fully in line with the community policy to combat discrimination and complements the 2003 EU initiative for the "European Year of People with Disabilities". The purpose of this Communication is to set out the European Commission's position regarding a possible international and legally binding instrument. Shortly, the Commission will propose a recommendation to the Council seeking authorisation to negotiate in the context of the forthcoming session of the UN ad Hoc Committee and to conduct these negotiations on behalf of the European Community. The human rights legal framework already guarantees people with disabilities the same human rights as everyone else. In reality, however, disabled people face a lot of hidden as well as visible discrimination. In most cases it takes the form of unconscious discrimination such as the creation and maintenance of man-made barriers. Other forms of discrimination can be more insidious. People with intellectual disability in particular "can be incarcerated in inhumane institutions. They can be deprived of an education, refused ordinary social relationships, blocked from meaningful and gainful employment and reduced to irrevocable poverty...their civil and political rights are frequently abused, as are their physical persons." In light of the above, the Commission holds that it is vital the European Community confirm, at an international level, its commitment to protecting disabled people. It therefore intends to play an active role on behalf of the European Community during UN discussion on a legally binding instrument. Further, the Commission will seek to ensure consistency between national and international policies regarding disabled people.?

Persons with disabilities: rights and dignity, United Nations legally binding instrument

OBJECTIVE: to present a recommendation in order to authorise the Commission to participate in the negotiations on an international legally binding instrument to promote and protect the rights and dignity of persons with disabilities. **CONTENT**: The purpose of this recommendation to the Council is to authorise the Commission to negotiate in the context of the forthcoming sessions of the United Nations Ad Hoc Committee a comprehensive and integral international convention to protect and promote the rights and dignity of persons with disabilities and to conduct these negotiations on behalf of the European Community. The Community competence is based on Article 13 of the EC Treaty, which enables the Community to take initiatives to combat discrimination on the grounds of disability. The Community has already made use of these new provisions, in particular in the areas of employment and occupation. Building on the achievement of this first use of Article 13 of the Treaty, the Commission considers that it is important that the European Community confirms at international level its overall strategy with regard to disability, the core of which is a shared commitment by all Member States to combat discrimination on this ground. It is therefore the Commission's intention to play an active role on behalf of the European Community in the process of the development of a future UN legally binding instrument. As regards general background, disability issues have been considered on several occasions in UN history. In the 1970s, two declarations, the Declaration on the Rights of Mentally Retarded Persons (DRMRP) and the Declaration on the Rights of Disabled Persons

(RDP), were the first instruments in which the human rights of persons with disabilities were explicitly recognised. However, these declarations are now outmoded. In addition, these instruments are not binding on the UN member states and contain no provisions for monitoring disabled people's rights. It is in this context that, in December 2001, the Government of Mexico put forward UN Resolution 56/168, calling for consideration of a convention on the human rights of persons with disabilities and calling for the immediate formation of an ad-hoc committee. This ad-hoc committee would draw up a comprehensive and integral international convention to protect and promote the rights and dignity of persons with disabilities. At this stage the shape and content of the envisaged instrument have not been addressed. Discussion is under way about this and several options could be considered. There is certainly a growing consensus on the idea that a legally binding instrument on disability should, on the one hand, complement and strengthen the monitoring of disability rights by the treaty monitoring bodies. On the other hand, the UN legally binding instrument should serve to tailor the application of human rights to people with disabilities. Such an instrument would not in the main create new rights, but would seek to clarify and make more visible existing international obligations in this regard. It would also provide a clear signal from and to the international community and serve as a political catalyst and educational tool in bringing about a change in the way people with disabilities enjoy their rights. The legally binding instrument should protect people with disabilities from unfair discrimination in having access to and enjoying human rights throughout the world. It would cover both direct and indirect discrimination. In view of the above, the Commission recommends that the Council decide: - that the European Community will participate in the negotiations on a legally binding instrument on the promotion and protection of the rights and dignity of persons with disability in the UN forum; - a special committee be appointed to assist it in its negotiation task.?

Persons with disabilities: rights and dignity, United Nations legally binding instrument

The committee adopted the own-initiative report by Elizabeth LYNNE (ELDR, UK) on the Commission communication entitled "Towards a United Nations legally binding instrument to promote and protect the rights and dignity of persons with disabilities". It welcomed the UN initiative and the Commission's position regarding the possible Convention, but pointed out that the Commission had failed to provide any timetable for a future comprehensive EU directive on disabled people's rights, nor had it made any real political commitments to mainstream disabled people's rights within its development cooperation policy. MEPs stressed that the outcome of the UN process must be a legally binding Convention with an effective monitoring mechanism, similar to the six human rights conventions that have already been adopted by the UN. They also wanted to ensure that organisations of disabled people and organisations representing them were fully involved in the negotiations, in the drafting of the Convention and in the monitoring thereof. The report said that a future Convention should be based on and include such principles as: - the rights-based approach emphasising and tailoring human rights (civil and political as well as economic, social and cultural) already included in various treaties to the needs of disabled people; - acknowledgement of the need to provide for both the general and impairment-specific needs of disabled people, including those with 'hidden' disabilities; - full involvement of disabled people and relevant organisations in the establishment of national and international policies and bodies which affect them; - recognition of the fact that many disabled people are confronted with multiple discrimination on grounds of gender, race, age, etc. The committee also proposed that the future Convention specify at least the following nine categories of rights of disabled people: right to quality of life; access to employment; access to education and vocational training; right to inclusion; civil and political rights; access to financial support; access to healthcare; access to culture and leisure; and equality before the law and the right to justice.?

Persons with disabilities: rights and dignity, United Nations legally binding instrument

The European Parliament adopted a resolution based on the own-initiative report drafted by Elizabeth LYNNE (ELDR, United Kingdom) on the rights and dignity of the disabled. (Please the document dated 09/07/03.) Parliament noted that the Member States do not have specific regulations that take into account the special circumstances of disabled people in general terms, and that their judicial systems perpetuate great disparities in this area. The measures the EU has adopted with regard to disabled people have been minimal and relate almost exclusively to the establishing of a general framework for equal treatment in employment in the context of the combating of discrimination laid down in Article 13 TEC. The EU must introduce a Directive on the rights of disabled people, regardless of the outcome of the UN proceedings. Parliament went on to call on the Member States to include in the future EU constitution a specific reference to the 'protection of the rights of disabled people'. It also felt that all measures proposed on the legal basis of Article 13 TEC should move from unanimity to qualified majority voting. Finally, the European Parliament considered that the objectives of the Convention should be: - to afford disabled people full protection of their human rights; - to clarify existing rights and tailor them to the needs of disabled people including by tackling barriers that hinder the full enjoyment of rights; - to facilitate the fulfilment of the aspirations of disabled people, and to help them unlock their potential; - to prioritise disabled people on policy agendas and to increase international cooperation and knowledge; - to have a permanent mechanism for monitoring the human rights of disabled people in the world.?