## Basic information

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

## Key players

### European Parliament

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| EMPL Employment and Social Affairs | LYNNE Elizabeth (ELDR) | 12/03/2003 |

| Committee for opinion | Rapporteur for opinion | Appointed |
|---|---|---|
| LIBE Citizens' Freedoms and Rights, Justice and Home Affairs | CERDEIRA MORTERERO Carmen (PSE) | 19/05/2003 |
| JURI Legal Affairs and Internal Market | The committee decided not to give an opinion. | |
| FEMM Women's Rights and Equal Opportunities | OOMEN-RUIJTEN Ria (PPE-DE) | 20/05/2003 |
| PETI Petitions | The committee decided not to give an opinion. | |

### Council of the European Union

| Council configuration | Meetings | Date |
|---|---|---|
| Economic and Financial Affairs ECOFIN | 2520 | 2003-07-15 |

### European Commission

| Commission DG | Commissioner |
|---|---|
| Employment, Social Affairs and Inclusion | |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| | | COM(2003)0016 | Summary |

| | | | |
|---|---|---|---|
| 24/01/2003 | Non-legislative basic document published | | |
| 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

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| **Procedure reference** | 2003/2100(INI) |
| **Procedure type** | INI - Own-initiative procedure |
| **Procedure subtype** | Initiative |
| **Legal basis** | Rules of Procedure EP 55 |
| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | EMPL/5/19528 |

## Documentation gateway

**European Parliament**

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee report tabled for plenary, single reading | | A5-0270/2003 | 09/07/2003 | |
| Text adopted by Parliament, single reading | | T5-0370/2003<br>OJ C 076 25.03.2004, p. 0122-0231 E | 03/09/2003 | Summary |

**European Commission**

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Non-legislative basic document | COM(2003)0016 | 24/01/2003 | Summary |
| Document attached to the procedure | SEC(2003)0116 | 31/01/2003 | Summary |

**Other institutions and bodies**

| Institution/body | Document type | Reference | Date | Summary |
|---|---|---|---|---|
| EESC | Economic and Social Committee: opinion, report | CES0227/2003<br>OJ C 133 06.06.2003, p. 0050-0052 | 26/03/2003 | |

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

2003/2100(INI) - 24/01/2003 - Non-legislative basic document

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

2003/2100(INI) - 03/09/2003 - Text adopted by Parliament, single reading

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.

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

2003/2100(INI) - 31/01/2003 - Document attached to the procedure

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.