Basic information

2008/0170(NLE) NLE - Non-legislative enactments Decision	Procedure completed
Conclusion of the UN Convention on the Rights of Persons with Disabilities See also 2015/2258(INI) **Subject** 4.10.06 People with disabilities 6.40.13 Relations with/in the context of international organisations: UN, OSCE, OECD, Council of Europe, EBRD	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	JELEVA Rumiana (PPE-DE)	06/10/2008

Committee for opinion	Rapporteur for opinion	Appointed
FEMM Women's Rights and Gender Equality	BREYER Hiltrud (Verts/ALE)	22/10/2008

Council of the European Union

Council configuration	Meetings	Date
Education, Youth, Culture and Sport	2978	2009-11-26

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	ANDOR László

Key events

Date	Event	Reference	Summary
02/09/2008	Legislative proposal published	COM(2008)0530	Summary
31/03/2009	Vote in committee		Summary
02/04/2009	Committee referral announced in Parliament		
06/04/2009	Committee report tabled for plenary, 1st reading/single reading	A6-0229/2009	

23/04/2009	Debate in Parliament		
24/04/2009	Decision by Parliament	T6-0312/2009	Summary
24/04/2009	Results of vote in Parliament		
26/11/2009	Act adopted by Council after consultation of Parliament		
26/11/2009	End of procedure in Parliament		
02/12/2009	Additional information		Summary
27/01/2010	Final act published in Official Journal		

Technical information

Procedure reference	2008/0170(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Amendments and repeals	See also 2015/2258(INI)
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/6/66575

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE415.258	18/12/2008	
Amendments tabled in committee		PE418.419	05/02/2009	
Committee opinion	FEMM	PE418.117	24/02/2009	
Committee report tabled for plenary, 1st reading/single reading		A6-0229/2009	06/04/2009	
Text adopted by Parliament, 1st reading/single reading		T6-0312/2009	24/04/2009	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2008)0530	02/09/2008	Summary

Additional information

Source	Document	Date

National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Decision 2010/0048 OJ L 023 27.01.2010, p. 0035	Summary

Conclusion of the UN Convention on the Rights of Persons with Disabilities

2008/0170(NLE) - 24/04/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 396 votes to 2, with 9 abstentions, a legislative resolution approving unamended, under the consultation procedure, the proposal for a Council Decision concerning the conclusion, by the European Community, of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities.

Conclusion of the UN Convention on the Rights of Persons with Disabilities

2008/0170(NLE) - 26/11/2009 - Final act

PURPOSE: to conclude the UN Convention on the Rights of Persons with Disabilities, subject to a reservation in respect of Article 27.1 thereof.

LEGSLATIVE ACT: Council Decision 2010/48/EC concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities.

CONTENT: in May 2004, the Council authorised the Commission to conduct negotiations on behalf of the European Community concerning the United Nations Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (see also NLE/2008/0171). The UN Convention was adopted by the United Nations General Assembly on 13 December 2006 and entered into force on 3 May 2008. It was signed on behalf of the Community on 30 March 2007 subject to its possible conclusion at a later date. The UN Convention constitutes a relevant and effective pillar for promoting and protecting the rights of persons with disabilities within the European Union, to which both the Community and its Member States attach the greatest importance. Accordingly, this Decision approves the UN Convention on behalf of the Community. Such approval is, however, accompanied by a reservation, entered by the European Community, with regard to Article 27(1) of the UN Convention (on work and employment). The reservation states that the Community concludes the UN Convention without prejudice to the Community law- based right, as provided under Article 3 (4) of Council Directive 2000/78/EC, of its Member States not to apply to armed forces the principle of equal treatment on the grounds of disability.

Both the Community and its Member States have competence in the fields covered by the UN Convention. The Community and the Member States will therefore become Contracting Parties to it, so that together they can fulfil the obligations laid down by the UN Convention and exercise the rights invested in them, in situations of mixed competence in a coherent manner. When depositing the instrument of formal confirmation, the Community will also deposit a declaration under Article 44.1 of the Convention specifying the matters governed by the Convention in respect of which competence has been transferred to it by its Member States.

The main provisions of the Convention are as follows:

Purpose: the purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Persons with disabilities include 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.

General principles: the principles of the present Convention shall be: (a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; (b) non-discrimination; (c) full and effective participation and inclusion in society; (d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; (e) equality of opportunity; (f) accessibility; (g) equality between men and women; (h) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities. In accordance with the Convention, States Parties undertake to ensure equal treatment for and non-discrimination of persons with disabilities as well as their equality before the law and the same legal protection as able-bodied persons against all forms of discrimination.

Specific provisions have also been established to take into consideration the many forms of discrimination of which women and girls with disabilities are victims, as well as to take into consideration the specific rights of children with disabilities.

Rights: in addition to non-discrimination, the Convention defends several other rights, including the right to:

- **accessibility**: to enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure that persons with disabilities have access to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public (both in urban and in rural areas). These measures shall include the identification and elimination of obstacles and barriers to accessibility to buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities, workplaces and emergency services;
- **life**: the Convention reaffirms that every human being has the inherent right to life and calls on State Parties to take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Other rights set out in the Convention include the right to equal recognition before the law; access to justice; liberty and security of person; freedom from torture or cruel, inhuman or degrading treatment or punishment; freedom from exploitation, violence and abuse; integrity of the person; liberty of movement and nationality; live independently and be included in the community; personal mobility; freedom of expression and opinion and access to information; education; health; participate in political and public life (including the right to vote); participate in cultural life, recreation, leisure and sport. States are also called upon to respect the privacy of persons with disabilities and to ensure respect for home and the family (including the right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent, and the right to retain their fertility).

Lastly, States are called upon to prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions. Persons with disabilities must also enjoy, on an equal basis with others, fair and favourable working conditions and a standard of life that includes adequate food, clothing and housing. The Community has entered a reservation in respect of this obligation. The European Community states that pursuant to Community law (notably Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation), Member States may, if appropriate, enter their own reservations to Article 27(1) of the Disabilities Convention to the extent that Article 3(4) of the Council Directive provides them with the right to exclude non-discrimination on the grounds of disability with respect to employment in the armed forces from the scope of the Directive. Therefore, the Community states that it concludes the Convention without prejudice to the above right, conferred on its Member States by virtue of Community law.

Conclusion of the UN Convention on the Rights of Persons with Disabilities

2008/0170(NLE) - 02/09/2008 - Legislative proposal

PURPOSE: to conclude, on behalf of the European Community, the UN Convention on the Rights of Persons with Disabilities.

PROPOSED ACT: Council Decision.

BACKGROUND: the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol (see CNS/2008/0171) were adopted by the UN General Assembly on 13 December 2006. On the basis of negotiating directives adopted by the Council, the Commission conducted the negotiation of the Convention on behalf of the European Community, leading to this proposal for a Council Decision on the signing, on behalf of the European Community, of the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol. The Council Decision dated 27 March 2007 (ST07404/07) authorised the Community to sign the Convention on the Rights of Persons with Disabilities and issued a declaration on the Optional Protocol (Annex II of the Decision) stating that the Council of the European Union shall reconsider the question of signing the Optional Protocol to the Convention by the European Community as soon as possible. The Commission finally signed the Convention on 30 March 2007.

On 3 May 2008, the Convention and its Optional Protocol entered into force. Since the Optional Protocol has not yet been signed, its accession should be proposed. Two proposals, one for concluding the Convention, the other for acceding to the Optional Protocol, are therefore required.

CONTENT: the purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Scope: the Convention applies to ‘persons with disabilities’, to be understood as those who have long-term physical, mental, intellectual or sensory impairments.

Principles: the principles of the Convention may be summarised as follows:

- respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;
- non-discrimination;
- full and effective participation and inclusion in society;
- respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- equality of opportunity;
- accessibility;
- equality between men and women;
- respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

In accordance with the Convention, States Parties undertake to ensure equal treatment for and non-discrimination of persons with disabilities as well as their equality before the law and the same legal protection as able-bodied persons against all forms of discrimination.

Specific provisions have also been established to take into consideration the many forms of discrimination of which **women** and girls with disabilities are victims, as well as to take into consideration the specific rights of **children with disabilities**.

Rights: in addition to non-discrimination, the Convention defends several other rights, including the right to:

- **accessibility**: to enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure that persons with disabilities have access to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public (both in urban and in rural areas). These measures shall include the identification and elimination of obstacles and barriers to accessibility to buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities, workplaces and emergency services;
- **life**: the Convention reaffirms that every human being has the inherent right to life and calls on State Parties to take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Other rights set out in the Convention include the right to equal recognition before the law; access to justice; liberty and security of person; freedom from torture or cruel, inhuman or degrading treatment or punishment; freedom from exploitation, violence and abuse; integrity of the person; liberty of movement and nationality; live independently and be included in the community; personal mobility; freedom of expression and opinion and access to information; education; health; participate in political and public life (including the right to vote); participate in cultural life, recreation, leisure and sport. States are also called upon to respect the privacy of persons with disabilities and to ensure **respect for home and the family** (including the right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent, and the right to retain their fertility).

Lastly, States are called upon to prohibit discrimination on the basis of disability with regard to all matters concerning **all forms of employment**, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions. Persons with disabilities must also enjoy, on an equal basis with others, fair and favourable working conditions and a standard of life that includes adequate food, clothing and housing.

Legal basis and mixed powers of the EC and Member States: articles 13, 26, 47(2), 55, 71(1), 80(2), 89, 93, 95 and 285 in conjunction with the second sentence of the first paragraph of Article 300(2), and the first subparagraph of Article 300(3) of the Treaty establishing the European Community are chosen as the legal basis. This requires **consultation of the European Parliament**.

It is also important to note the application of the principle of subsidiarity to this text, owing to the mixed nature of the powers assigned by the UN Convention and its Optional Protocol. As both Community and Member States' powers are concerned, joint conclusion/ratification of the Convention by the Community and the Member States is required.

Lastly, note a declaration of the European Community on the competences transferred to the Community by the Member States: under the Treaty establishing the European Community, in the areas covered by the Convention, a series of powers are devolved to the Community to enable the implementation of the principles set out in the Convention. The declaration cites, in this case, the list of all Community texts applicable in this area. The only reservation of the European Community concerns Article 27.1 of the Convention regarding non-discrimination in employment. In accordance with Council Directive 2000/78/EC on equal treatment in employment and occupation, the Member States shall be given the possibility to provide that the Directive, in so far as it relates to discrimination on the grounds of disability, shall not apply to the armed forces.