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Committee on Equality and Non-Discrimination Sub-Committee on Disability and Inclusion

Activities in 2014-2015 and proposals for activities in 2016-2017

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1. Activities in 2014 and 2015

1. The Sub-Committee on disability and inclusion, created in 2014, has been a forum of exchange and gave an impetus to the Committee on Equality and Non-Discrimination for future work on the question of disability. It held three meetings in Strasbourg and its members participated actively in the meetings of the Committee on Equality and Non-Discrimination relating to disability. They discussed topics such as the political participation of persons with disabilities, violence against women with disabilities and the right to live in society. The Sub-Committee proposed to the Committee to hold a joint meeting with the Council of Europe Committee of Experts on the rights of persons with disabilities (DECS-RPD), which took place on 2 October 2014. The Sub-Committee shall pursue its work in 2016 under a new chairmanship. According to the Rules of Procedure of the Assembly, Ms Rawert will not be able to present herself as a candidate again. The new Council of Europe action plan, which is currently being prepared, should be presented to the members once adopted.

2. The secretariat of the Committee on Equality and Non-Discrimination, which is also the secretariat of the Sub-Committee on Disability and Inclusion, took part in an awareness-raising training session on disability in 2014. Ms Marie Dilinger, law student with a visual disability, joined the team of the secretariat as an intern in April and May 2015.

1.1 Meetings of the Sub-Committee on disability and inclusion

- 8 April 2014, in Strasbourg: discussion on future activities;
- 25 June 2014, in Strasbourg: exchange of views with Ms Irena Kowalczyk Kedziora, Secretary of the Council of Europe Committee of Experts on the Rights of People with Disabilities;
- 22 April 2015, in Strasbourg, exchange of views on the political participation of persons with disabilities with the participation of Ms Martha Stickings, Research Support Officer, Equality and Citizens' Rights Department, Fundamental Rights Agency of the European Union (FRA).

3. On 25 June 2014, the Sub-Committee held an exchange of views with Ms Irena Kowalczyk Kedziora. She presented the activities of the intergovernmental sector of the Council of Europe in the field of disability and the Council of Europe Disability Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015. Members discussed the impact of austerity measures on programmes for persons with disabilities, participation in the labour market and the differentiation between disability and ageing.

4. On 22 April 2015, the Sub-Committee held an exchange of views on the political participation of persons with disabilities with Ms Martha Stickings, representative of the Fundamental Rights Agency of the European Union. A study made by the FRA showed there were still obstacles to the political participation of persons with disabilities in numerous respects. From the legal viewpoint, the electoral rights of people deprived of legal capacity were restricted in 21 countries covered by the study. Little data was available on the number of polling stations accessible to people with disabilities. A motion for a resolution on this topic was tabled and sent for report to the Committee by the Bureau on 14 December 2015.

1.2 Activities of the Committee on Equality and Non-Discrimination related (partially or entirely) to the issue of disability

- 5 March 2014, in Vienna, exchange of views with Ms Helene Jarmer, member of the Austrian National Council, held in the framework of the preparation of the report « Equality and inclusion for people with disabilities » (Ms Carmen Quintanilla, Spain, PEPP/CD);
- 24 June 2014, in Strasbourg, joint meeting of the Committee on Equality and Non-Discrimination and of the Parliamentary Network Women Free from Violence: hearing on violence against women with disabilities with the participation of Ms Gabriella Battaini-Dracconi, Deputy Secretary General of the Council of Europe, Ms Ana Peláez Narváez, member of the United Nations Committee on the Rights of Persons with Disabilities, Director of International Relations at the Spanish National Organisation of the Blind (ONCE) (by video-conference) and Emeritus Professor Gill Hague, Professor of Violence Against Women Studies, Centre for Gender and Violence Research, School for Policy Studies, University of Bristol, United Kingdom;
- 26 September 2014, in Geneva, Ms Carmen Quintanilla (Spain, EPP/CD), rapporteur on « Equality and inclusion for people with disabilities », represented the Committee at a meeting between the United Nations Committee for the rights of persons with disabilities and other

international and regional mechanisms working in the field of the rights of persons with disabilities;

- 2 October 2014, in Strasbourg, joint meeting with the Council of Europe Committee of Experts on the rights of persons with disabilities (DECS-RPD) on the topic “One of us? The right of persons with disabilities to live in the community” with the participation of Ms Gabriella Battaini-Draconi, Deputy Secretary General of the Council of Europe, Mr Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, Ms Karina Chupina, Senior trainer for the Council of Europe Youth sector, President of the Federation of hard of hearing young people and of Professor Gerard Quinn, Director of the Centre for Disability Law and Policy at the University of Galway, Ireland. The meeting was co-chaired by Ms Mechthild Rawert, Chairperson of the Sub-Committee, and Mr Dimitris Nikolsky, Chairperson of the Committee of Experts on the Rights of Persons with Disabilities (DECS-RPD);
- 3 December 2014, in Paris, adoption of a draft resolution and a draft recommendation on « Equality and inclusion for people with disabilities » (Rapporteur: Ms Carmen Quintanilla, Spain, EPP/CD).

5. On 5 March 2014, the Committee on Equality and Non-Discrimination held an exchange of views with Ms Helene Jarmer in the framework of the preparation of the report « Equality and inclusion for people with disabilities ». In 2008, the sign language was recognised in the Austrian Constitution, which enabled Ms Jarmer to sit in the Parliament. In Austria, two parallel systems existed in the education field: special schools still existed, which contradicted the UN convention, but integrated classes were increasing. A law regulated the recruitment of people with disabilities and investment had been made to promote it. Members discussed access to employment and the preparation of inclusion policies.

6. On 24 June 2014, the Committee and the Parliamentary Network Women free from violence held a joint meeting on violence against women with disabilities. According to Ms Peláez Narváez, women with disabilities were often deprived of their sexual and reproductive rights and subjected to forced sterilisation and forced abortion. 80% of these women were victims of violence and they were four times more likely to suffer sexual violence than women without disabilities. Violence against women with disabilities was an invisible reality, which mostly happened in a close and segregated environment. There was a strong dependence on the perpetrator, who was often a relative or family member, and also lack of conscience that they were victims. Women with intellectual disabilities were particularly exposed to abuse and it was impossible for them to file a report because many of them lacked legal capacity. Ms Hague presented the results of the first and only national study on disabled women and intimate violence made in the United Kingdom. What was needed was a core shift in cultural attitudes in how abused disabled women were viewed and treated across Europe. Focus should be also put on education and disability equality training for staff. The guest speakers insisted on the need for awareness-raising programmes and funding allowing for the provision of assistance to women with disabilities victims of violence. This meeting contributed to raising awareness among members on this issue.

7. On 2 October 2014, the Committee held a joint meeting with the Council of Europe Committee of Experts on the Rights of Persons with Disabilities (DECS-RPD). According to Mr Nils Muižnieks, the right of persons with disabilities to autonomy and to live in the community was a human rights issue. He has repeatedly called on the member States to stop new placements. Other very problematic areas were the legal capacity of persons with intellectual and psychosocial disabilities and involuntary placements which often feed an institution-based culture. According to Gabriella Battaini-Draconi, the two main challenges were, on the one hand, to adopt an approach based on the rights of the person and, on the other hand, to encourage a change in the attitudes towards disability. Mr Quinn noted that the drafters of the Convention deliberately did not refer to institutions, because it intended to focus on the positive right to live in the community. Committee members exchanged information about the situation in their respective countries and discussed the link between institutionalisation and discrimination.

2. Proposals for activities in 2016-2017

8. The Sub-committee on Disability and Inclusion will continue its activities in 2016 and 2017, with meetings foreseen mainly in Strasbourg. It will continue following the activities of the Council of Europe in this field, in particular those of the Commissioner for Human Rights and the Committee of Experts on the rights of people with disabilities. The Sub-committee will also hold several hearings during the biennium.

9. Possible topics for hearings could be:

- legal capacity, legal protection and legal empowerment of persons with disabilities;
- political participation – with the view to contributing to the preparation of the report on “Political rights of persons with disabilities: a democratic issue”;
- the situation of persons with disabilities in prison, with the participation of a member of the Committee for the Prevention of Torture, in follow-up to the report by the Committee on Legal Affairs and Human Rights on “The fate of critically ill detainees in Europe” (resolution adopted by the Standing Committee on 27 November 2015). Following the hearing, the Sub-committee could possibly recommend having a report on the issue;
- involuntary placement and involuntary treatment of persons with disabilities: this hearing could give the opportunity to discuss the draft Additional Protocol to the Convention on Human Rights and Biomedicine concerning the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and treatment;
- preventing and combating violence against persons with disabilities;
- the situation of refugees with disabilities.

10. In addition, the Sub-committee could invite the Chairperson on the Committee of Experts on the rights of people with disabilities to present the New Disability Strategy when it will be adopted. On this occasion, members could also receive some information about the evaluation of the implementation of the “Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: Improving the quality of life of people with disabilities in Europe 2006-2015”. In 2017, the Sub-committee could also hold a joint meeting with the Committee of Experts.

11. Cooperation with the United Nations Committee on the Rights of Persons with Disabilities (CRPD) could as well be developed, possibly by inviting the CRPD Chair to a hearing in Strasbourg or holding a meeting of the Sub-committee during a CRPD session in Geneva.