



**International and European Disability Policy Relating to Stuttering:
What you need to know and why**
UPDATE Number 1 – 2007

New instrument

The United Nations Convention on the Rights of People with Disabilities

“The purpose of the present 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.”

Article 1

The Convention is a new instrument, which opened for signature and ratification on March 30th, 2007. It was signed by a record number of eighty-one States and the European Community and constitutes a strong, legally-binding document, requesting State Parties to “prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds” (article 5).

Articles 9 to 30 of the Convention list different areas of life where discrimination should be prohibited and properly dealt with by State Parties (article 27 deals in particular with Work and Employment conditions). Articles 34 to 39 set up a “Committee on the Rights of Persons with Disability” to which State Parties have to report on their implementation of Convention obligations on a regular basis. This approach, placing a strong emphasis on actual practices and principle implementation, should be able to lay considerable pressure on Convention signatories, in spite of an absence of legal recourses.

Aiming at reinforcing the monitoring mechanism set up by the Convention, an Optional Protocol also created an individual complaints procedure (to be examined by the Committee with recommendations to the State Party) and an inquiry procedure (to be led by the Committee in case of grave or systematic violations by a State Party). Due to some Member-State resistance, the European Commission has refrained so far from signing this document. Negotiations on a possible signature are currently under way.

<http://www.un.org/disabilities/convention/conventionfull.shtml>

In process

The European Constitutional Treaty

The new EU Treaty produced by the European Convention was signed in 2004. The final text was indeed very promising from the point of view of people with disabilities in that it included the Charter for Fundamental Rights into the body of the Treaty (Part II), giving the text a direct binding effect in all EU member-States. Also interesting was the provision of a new tool for democratic participation in European politics - the European Citizens’ Initiative, according to which “a significant number of citizens, no less than one million, coming from a significant

number of Member States, may take the initiative of inviting the Commission (...) to submit a (...) proposal on matters where citizens consider that a legal act of the Union is required” (Art. 47.4). Both provisions would have represented a considerable breakthrough and are still being pushed by many Non-Governmental Organisations.

Ratification of this Treaty, however, has not been completed. Following the rejection of the text by the French and Dutch referenda of 2005, it now seems assured that the Treaty establishing a Constitution for Europe will not enter into force in its current form.

Ending a two-year long “pause for reflection” (2005-2006), the now 27 EU Member-States are currently exploring ways to modify the initial text. An Intergovernmental Conference (IGC) is expected to be launched in the second half of 2007. With some countries already voicing their opposition to the integration of the Human Rights Charter into the new Treaty, a concerted effort from disability organisations is currently needed to once again try and bend the text in the right direction.

http://europa.eu/scadplus/constitution/introduction_en.htm

<http://www.citizens-initiative.eu/>

The Disability Specific Directive

The campaign led by the European Disability Forum (EDF) for a Disability Specific Directive is also still on its way and seems to be yielding its first results, with the European Commission now announcing the launch of on-line consultation on the subject for July 2007. The data collected would allow the Commission to complete an impact assessment, which is a key step towards new legislation.

In an effort to maintain this momentum, EDF decided to launch a petition campaign inspired by the draft Constitutional Treaty’s “European Citizens’ Initiative.” This campaign, called “1million4disability”, is calling for stronger disability legislation in Europe. It was launched in October 2006. Signatures will be officially handed out to the European Commission and the European Parliament on October 4th, 2007 in an official ceremony.

Sending out a strong political signal to the European public as well as to EU institutions, the “1million4disability” campaign is an important opportunity for disabled people to raise their voice, call for a directive, and a priority for the very near future.

www.1million4disability.eu



Further Opportunities

2007 - European Year of Equal Opportunities for All

The European Year of Equal Opportunity for All was launched in Berlin this January 2007 and represents a new opportunity to push forward an antidiscrimination agenda.

A centrepiece to the Commission’s “Framework strategy for non-discrimination and equal opportunities for all” (June 2005), the European Year of Equal Opportunities for All was designed to give momentum to the fight against discrimination in the EU. It aims at raising awareness on existing rights as well as ensuring their effective implementation.

http://ec.europa.eu/employment_social/eyeq/index.cfm?language=EN